Commentary

VOLUME NINETY-NINE • NUMBER TWO • FEBRUARY 1995

WHAT TO DO ABOUT
The First Amendment

Robert H. Bork

If This Be Peace... / David Bar-Illan

Clintonism Abroad / Joshua Muravchik

Are Human Rights Still Universal? / George Weigel

The Problem of Shostakovich / Terry Teachout

Moe—A Story / Joseph Epstein

Washington Meets the New "Barbarians" / Charles Horner

Books in Review:

Midge Decter / Tod Lindberg / Hillel Halkin / Elizabeth Kristol / Arch Puddington

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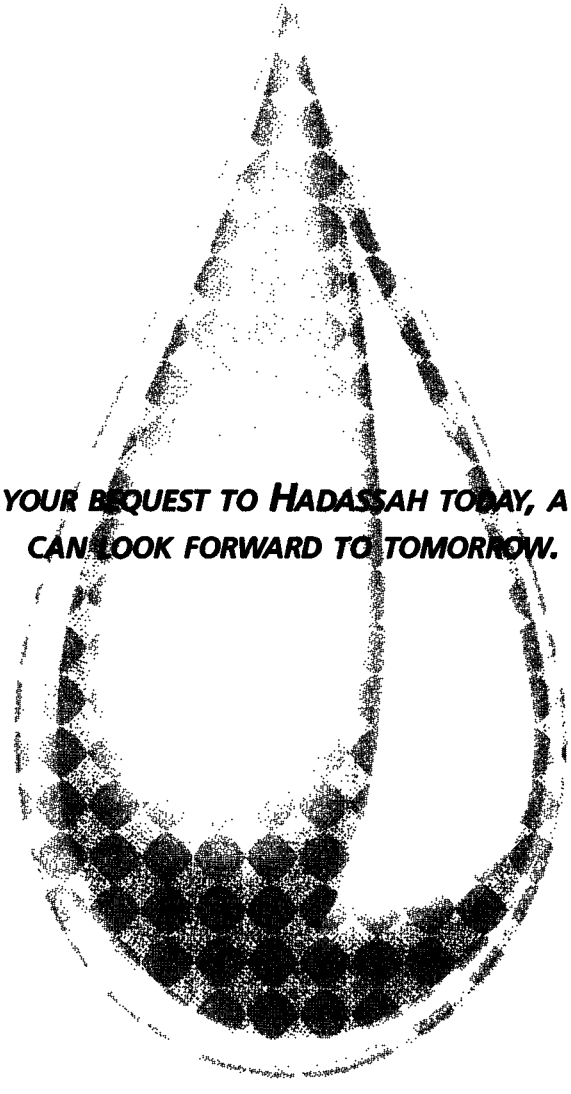

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The Universities

TO THE EDITOR OF COMMENTARY:

Gertrude Himmelfarb ["What To Do About Education: The Universities," October 1994] describes two "reformations" of higher education: its post-World War II expansion, both in size and in multiplicity of functions, and its post-60's descent into trivia, obscurantism, and ersatz radicalism. Miss Himmelfarb then recommends that we forgo any "counter-reformation" meant to "undo the damage," since it could not prevail against the "interests" that have become entrenched. Instead, she urges an "oasis" or "enclave" policy of reinforcing a "saving remnant" of professors and students—those who have managed to retain serious and unpoliticized scholarly interests. I believe, however, that Miss Himmelfarb has overestimated the difficulties that stand in the way of counter-reformation and underestimated the forces that, without counter-reformation, would undermine her strategy.

First: it is indeed correct that higher education suffers from a long-term case of gigantism and that this is one of the underlying causes of the post-60's disaster. Yet it is only one cause, not the complete cause. It is, therefore, a mistake to suppose that a correction of the 60's legacy must also confront those large interests created by the academy's earlier expansion. We do not need to abolish schools of social work, education, and business or spin off research centers (both of which, Miss Himmelfarb implies, would have to be accomplished in a counter-reformation) in order to reverse the rising tide of trivia and politicization. Bloated administration, for example, is ripe for an attack, since it is a major factor driving up the cost of education. Reducing that bloat will remove from our campuses a large number of people who create work for themselves by pushing political causes, cranking up sexual-harassment scares, mandating sensitivity-training courses, running special programs that teach selected minorities to think like victims, and so on. One way in which Miss Himmelfarb overestimates the difficulty of counter-reformation is by demanding that it undo two reformations rather than one.

Second: Miss Himmelfarb mistakes the percentage of the professoriate that would resist counter-reformation. Those fighting the academy's politicization may be a small minority, but so are the true ideologues and postmodern trendsetters. Between these two poles, there lies the majority of the professoriate (albeit shrinking rapidly due to politicized hiring), who would rather teach and study than fight. Whatever their fault in not opposing reformation, they are not likely to oppose counter-reformation. The crux of the problem really lies outside the faculty, among administrators and boards of trustees. The academy has been corrupted, in large part, from the top down, by a class of professional administrators whose Left-liberal ethos is that of the foundation executives and federal bureaucrats to whom they look for funds, approval, and their next job. These folk love radical faculty and anything trendy or anti-intellectual. But they are also extremely vulnerable to pressure from informed alumni, informed parents, and informed taxpayers. It is time to organize that pressure.

Third: counter-reformation does not have to be total in order to be worth attempting. Of course it would be nice if boards of trustees were woken up and made to hire administrators of principle and courage. Even then, it would need as many years to build a solid faculty as it has taken to debase the current one. But I have seen—at first hand, at Kenyon College—how pressure from informed alumni (sparked, as it happens, by an article in COMMENTARY: "Who's Afraid of Women's Studies?," by Elizabeth Lilla, February 1986) forced a trendy administration to reverse course on some specific matters. More recently, exposure in the public media has had a similar effect at the Universities of Texas and Minnesota. These are small, temporary victories—but they matter. The formation of a national confederation of groups of dissident alumni, which could multiply pressures of this type, is long overdue.

Without some measure of counter-reformation, most universities and colleges will prove too hostile

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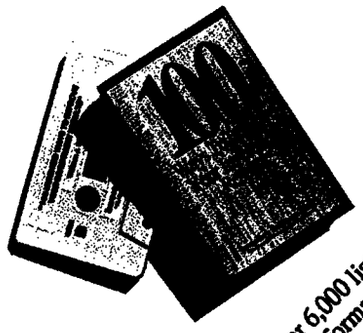

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an environment for any oasis to thrive. Miss Himmelfarb is right that money talks nowhere more loudly than on our campuses. Yet the funds involved in supporting small programs will not be enough to prevail over the hostility of the well-funded PC crowd. Again, a first-hand observation: Kenyon College let a long-running, successful program die, even though funds for it were promised, rather than allow it to continue to be run by non-PC faculty.

But even if an oasis were established, life in it would soon be smothered by the circumambient atmosphere. Would the students in it really be immune to the ethos prevailing at the larger institution? How many students in their late teens would be able to resist the scorn and contumely directed at these programs?

Finally, how many students will be wise enough, or be guided by parents knowledgeable enough, to seek an oasis? Without a continued public attack on all that is wrong with higher education today—that is, without the beginnings of a counter-reformation—few will know the difference between oasis and desert. And what will happen when most of our ablest young people are denied unpoliticized exposure to classic works of literature, basic knowledge of political history, and reasoned debate on fundamental issues? This form of miseducation will not destroy America's technological proficiency, industrial and financial muscle, etc., at least not immediately. But it will erase all in our civilization that makes life humane and democracy sustainable.

THOMAS SHORT
Titusville, New Jersey

TO THE EDITOR OF COMMENTARY:

Gertrude Himmelfarb's thoughtful article includes the suggestion, which has long been on the wish lists of liberal-arts advocates, of dropping independent institutes and "vocational" departments from the colleges. Whatever the arguments for such a purification, they are not right for the situation Miss Himmelfarb addresses. Members of business departments, to take one example, are often educated and cultivated people. More significantly, they have acquired this aspect of their education outside the standard academic channels, at least in part. Thus, they may be more likely to belong to Miss Himmelfarb's "saving remnant" than are people in traditional liberal-arts departments. . . .

Moreover, these independent educational centers often deal with skills that cannot be faked. Graduating managers will be harshly tested in the marketplace; musicians can engage in self-deception only to a limited extent; faulty science can hide only so long. Wanted or not, a bias in favor of accuracy, of truth, comes with membership in these centers. This is a bias we want to preserve.

Finally, a suggestion: could the National Association of Scholars (NAS) set up an alternative accrediting organization?

JAMES J. STROM
Center Valley, Pennsylvania

TO THE EDITOR OF COMMENTARY:

Gertrude Himmelfarb makes a telling distinction between education as end and education as means. I would go further and suggest that in a society where almost every decent job now requires at least a B.A. (and high-status positions considerably more), university education will inevitably be degraded to vocational training (like church and state, they are better off separated).

Exacerbating this trend is the aggressive merchandising of colleges as upscale consumer goods, ranked and profiled like so many sports franchises in periodicals such as *U.S. News & World Report*, which cater to the middle and upper-middle class. The general inclination is to view the universities in a utilitarian, hierarchical, and rather cynical fashion as befits a bureaucracy or corporate enterprise; thus has laudable "merit" spawned lamentable "meritocracy."

Compared to this, the ongoing *Sturm und Drang* over political correctness, affirmative action, etc. seems almost a red herring. But were liberal-arts programs effectively isolated, as Miss Himmelfarb wishes, might they not become even more vulnerable to ideological *coups d'état*? PC will always be limited where most students are exclusively interested in getting into law, medical, or business school; not necessarily so where the college is populated by "pure" intellectuals. . . .

SETH A. HALPERN
Scarsdale, New York

TO THE EDITOR OF COMMENTARY:

As someone who has recently made the transition from college to medical school, I believe my experience is relevant to Gertrude Himmelfarb's article. . . .

Miss Himmelfarb writes: "What happens in the university is apt to be replicated, and in a remarkably short time, at all levels." I can attest that this is true even of medical school, a supposedly non-political entity. At Baylor College of Medicine, "Human Sexuality and Development" is required of all first-year students. One might assume that the class would focus upon the biology of normal and abnormal sexual functioning. Unfortunately, the class, having been taken over by an emissary of Planned Parenthood, became a forum for the left-wing political causes championed by our chattering classes: a blatant promotion of Kinsey's flawed sexual-orientation continuum, complete with a panel of individuals "sharing" *their* sexual experiences; and a lecture on America's dysfunctional sexual history, during which we were treated to pictures of gay men engaged in "rimming," accompanied by the professor's commentary, "Nothing wrong with that!" (Of course, medically speaking, and the class *was* offered by a medical school, there is much wrong with this practice.) In my four undergraduate years immersed in political correctness, never had I witnessed a more brazenly prejudiced spectacle. . . .

But the real question is: how did a historically Baptist institution give way to this radicalism? The answer should by now be clear: academic liberalism knows no boundaries. It is as comfortable, when given the chance, in a Southern medical school as it is in a Northeastern liberal-arts college. Those who abhor the private sector, who cannot countenance bourgeois values, have fled in the direction of least resistance. Quite simply, Americans, and conservatives in particular, have lost the courage to defend their institutions.

In my case, I chose to challenge the professor during class, citing evidence discrediting the flawed Kinsey report. I was met by silence, followed by a stammering, timid defense. Perhaps if a critical mass of students at each institution would do the same, the real work of dismantling liberalism could begin, for relativism must eventu-

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ally collapse under its own weight, its own unwillingness to defend the truth of its assumptions.

JON F. FIELDER
Houston, Texas

TO THE EDITOR OF COMMENTARY:

In the penultimate paragraph of her article, Gertrude Himmelfarb remarks that if women and blacks were to be released from the "shackles of gender and race," they would experience a "sense of liberation" and would then be free "to participate in a culture that transcends the mundane conditions of their lives and elevates and dignifies them."

I am not sure whether women and blacks regard gender and race as "shackles"; on the contrary, they have reason to believe that gender and race have, in fact, created the culture which, for them, transcends the mundane conditions of their lives. Also, in their view, gender and race have elevated, dignified, and empowered them. Why then should they wish to be unshackled?

KALMAN I. NULMAN
New York City

TO THE EDITOR OF COMMENTARY:

I do not find all that offensive Houston Baker's statement (quoted by Gertrude Himmelfarb) that choosing between Pearl Buck and Virginia Woolf is "no different from choosing between a hoagy and a pizza," but then I have a rather low opinion of both authors. On the other hand, the difference between, say, Edith Wharton (or Henry James) and Pearl Buck is very much like the difference between a Wiener schnitzel cordon bleu and a corn dog: both are breaded-meat concoctions, and there are millions of people who would rather have the corn dog, but the Wiener schnitzel is simply better, and those who prefer corn dogs on any grounds other than price have no taste. . . .

The moral is that eating corn dogs or reading Pearl Buck is its own punishment, and that poor Houston Baker will probably never know what he is missing.

MICHAEL HENDRY
Tuscaloosa, Alabama

TO THE EDITOR OF COMMENTARY:

As usual, Gertrude Himmelfarb has distilled a critical social problem to its essence. . . .

During my sophomore year at Williams College (from which I was graduated in 1994), I was invited to a faculty symposium on multiculturalism and the canon. Expecting to find defenses of an educational system that did not offer a course on the Bible and did not even suggest to eighteen-year-olds what they should study, I was greatly surprised. The professors at the symposium (and there must have been 25) were as opposed to multiculturalism and as supportive of a core curriculum as COMMENTARY writers are. The one professor who impugned traditional scholarship with the usual litany of charges (racism, sexism, etc.) was treated with the disdain due an intellectual charlatan. I left the symposium pleased in a sense, but confused as well. If these people—the senior faculty, the most respected professors—were so opposed to the rot, why did the rot exist?

During the next two years, as I became friendly with several of those professors, I had my answer. Dedicated to their scholarship and to their mission as teachers, they simply had no patience for the multiculturalists. They would rather discuss Tocqueville with a group of students over coffee for five hours than argue with a faculty philistine for five minutes. They were fully aware of how bad things were; any professional can easily recognize impostors in his own field. But for the dedicated and traditional professors with whom I studied, the energy that would be required of them to change the university has so far proved to be an insurmountable obstacle. However, there is hope for change. These professors care deeply about their students. Perhaps when they realize that their students do not know (as Miss Himmelfarb points out) "the authors of works by Plato, Dante, Shakespeare, and Milton," they will force themselves to defend the disciplines they cherish.

MARK GERSON
Short Hills, New Jersey

TO THE EDITOR OF COMMENTARY:

A modest group of independent-minded scholars at Stanford is answering Gertrude Himmelfarb's call for protest against the arrant politicization of the univer-

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sities. We plan to publish a statement soon, though we agree it will do no immediate large-scale good. On the other hand, this kind of stand has always evoked retaliation here at Stanford, including ostracism and boycott. A number of distinguished figures have sought refuge in early retirement. . . .

Many recall the march (led by Jesse Jackson) chanting "Hey, Hey, Ho, Ho, Western Civ Has Got to Go," and, earlier, the rocks that were thrown at a Hoover Institution building, breaking every window and causing personal injury as well: a prominent historian still bears a scar on his forehead from those rocks. . . .

Things are not so lively now, but when I went around soliciting signatures on the above-mentioned text, the usual reaction—sometimes candidly expressed—was fear. A number of eminent professors vented something like total disgust with Stanford but none would say so, or really say anything at all, publicly, for obvious reasons of professional survival. . . .

Gertrude Himmelfarb will not be surprised by any of this, no doubt. Outside of a few like her, our only ally is the truth. . . .

ROBERT GREER COHN
Stanford University
Stanford, California

GERTRUDE HIMMELFARB writes:

To Thomas Short, who aspires to nothing less than a "counter-reformation," I can only say, "Good luck. I wish you well." But I would also remind him of that old adage, "The best can be the enemy of the good." If he thinks that vested interests will undermine my "oasis" strategy, surely they will mobilize all the more forcefully against his counter-reformation strategy—especially a counter-reformation designed to reverse the second reformation, in which they have an ideological as well as a personal stake.

Mr. Short's own experiences at Kenyon College would seem to support my more modest expectations: one victory and one defeat—hardly cause for excessive optimism. Moreover, my oasis strategy does not at all preclude the "continued public attack" that he urges. Indeed, his proposals are exactly those I recommended: education, publicity, organization. I specifically suggested the creation of a national organization of alumni that would be mindful of the proper mission of the university and be alert to abuses and infractions of that mission. (Such an organization is now in the process of being founded. James J. Strom will be pleased to hear that the NAS has already established an alternative accrediting organization.)

It is quite true, as Mr. Strom and Seth A. Halpern suggest, that professional schools are generally less afflicted by PC than liberal-arts schools. But they are not entirely immune, as Jon F. Fielder testifies in respect to his medical school, and as has become abundantly evident in law schools in recent years. Nor are business schools and corporations impervious to PC. Nor are science departments, as my article points out.

Kalman I. Nulman objects to my remark about women and blacks being liberated from the shackles of gender and race. I do believe that the way gender and race function in the current intellectual climate is deterministic and reductive, and to that extent repressive and demeaning. Gender and race have only in part "created the culture" in which women and blacks live. There is much in the culture that is not created by race and gender and that reflects the common humanity of all people. To appreciate that culture and to fulfill their own humanity, women and blacks do transcend their own gender and race, even as they take pride in themselves as women and blacks.

I am grateful to the other respondents—Michael Hendry, Mark Gerson, and Robert Greer Cohn—for their thoughtful letters confirming my anxieties about the state of higher education and some of my recommendations for reform.

The Schools

TO THE EDITOR OF COMMENTARY:

While Chester E. Finn, Jr. ["What To Do About Education: The Schools," October 1994] makes some valid points, his analysis is also incomplete and subject to the terminological vagueness that characterizes the education debate. Mr. Finn engages in a trendiness that is surprising in a COMMENTARY article, and he ultimately misses the more fundamental causes of the failure of our schools.

He is correct in saying that the contractual uniformity imposed by the teachers' unions offers no incentive for teachers to teach well. However, even more pernicious is that, to justify this uniformity, the unions must foster the notion that all teachers have equivalent tasks. Obviously, the case cannot be made by equating calculus instruction with home economics; other grounds must be sought. In this, I submit, lies part of the origin of such silliness as the claim that the primary goal of instruction is to enhance self-esteem.

Of course, to articulate the essential difference between teaching calculus and teaching home economics, one would be forced to speak of the different cognitive demands made by the two disciplines. Yet among Mr. Finn's list of bad ideas of the education profession is: "Knowledge is passé; what matters are 'cognitive skills.'" I should hope that if a physics student were correctly to calculate the final location of an electron after passing through a combination of electric and magnetic fields (a high-level cognitive skill), Mr. Finn would not hold it too much against him that he first had to look up

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the particle's mass (a bareboned piece of factual knowledge). Admittedly, there are educators who use cognitive skills as a rubric for the ability to feel what it must have been like to live in a log cabin or for what amounts only to the development of a superficial cynicism (critical thinking, with the emphasis on the critical). But if it is this second connotation of cognitive skills Mr. Finn means to criticize, he needs to be more precise.

If Mr. Finn, a professional educator, is himself not fully clear about what constitutes the salient aspects of a quality education, are we really to expect better from the general populace? Mr. Finn believes so: it is the basis of his advocacy of school choice. But he then vitiates his own argument by acknowledging that the margin between the results of public and private schools is, in fact, quite slim. One need not look further than the wide range of student achievement among New York City's private schools to confirm this. Parents who certainly have many other options willingly choose to send their children to schools that make few true academic demands but which do have lots of froth and hoopla.

The froth frequently comes in the garb of those very technological innovations that Mr. Finn criticizes the public schools for lacking. . . . But generating several rocket trajectories on a computer screen will not help a student understand why they are as they are unless he is first led to predict the results from basic principles. And once the student can do this, the computer becomes superfluous because the trajectory it draws is based on the very calculation that the student has just performed and is therefore not an independent verification of it. . . .

Then again, we can always declare the war won, pack our bags, and go home. This is the essence of the alternative-learning-styles approach also touted by Mr. Finn. Thus, we need not fret if a student cannot combine several concrete examples into an overarching generalization; we can simply declare the recitation of specific examples to be the intellectual equivalent of abstract thought. And if another student cannot handle the mathematics of a trajectory calculation, we can let him memorize the computer traces and pretend he knows the mathematics.

However, the most misguided of Mr. Finn's suggestions is that school curriculum should somehow be determined by popular referendum: that taxi drivers should have as much input into the curriculum as college professors. Unfortunately, knowledge is inherently undemocratic. There are those who have a more profound understanding of what constitutes an appropriate background in literature or in science; and their visions should not be tainted by those who want to teach Stephen King along with Shakespeare or the life cycle of the spotted owl in lieu of the molecular basis of genetics. . . .

Admittedly, giving control of education to those whose primary orientation is to the disciplines being taught is only a necessary, not a sufficient, condition: the new math was foisted upon the schools by mathematicians, not by educators. But a person whose passion is literature, and who therefore really wants to introduce children to the subject, is more likely, through experience, to temper his demands to the realities of a typical teenager's cognition than will a person whose professional orientation is to the quiddities of adolescence be likely suddenly to develop a passion for literature and therefore to demand that his students become other than what they already are.

A true teacher cannot have an unconditional devotion to his students only in the context of what they themselves want to become. He must, rather, make real demands and impose real standards without any of those trendy innovations that we so willingly delude ourselves into believing can make genuine education easy. For now, America must accept that it has

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precisely the schools it wants and deserves.

EDWIN R. SCHWEBER
Lake Hiawatha, New Jersey

TO THE EDITOR OF COMMENTARY:

Chester E. Finn, Jr.'s feeble solution to the nation's education problem is hardly likely to be accepted by the education establishment. Mr. Finn thinks that the conflict over goals and standards can be "modulated by . . . several ingredients of the reform recipe" which he outlines in his article. But what he fails to acknowledge is that the "reform," which is nothing other than "outcomes-based education" (OBE), does away with every last vestige of traditional education. . . .

For example, "whole-language" reading instruction is now an integral part of OBE. Reading is defined as "constructing meaning," a definition better suited to ideographs and hieroglyphics than to alphabetic writing. In truth, whole language is nothing more than deconstruction brought down to the primary level, and it is already turning millions of confused children into intellectual cripples. What kind of literacy standards can be built on that pile of sand? . . .

The problem with American public education is that it is a government monopoly controlled by people with a totalitarian mindset. The fact that the National Center for Education Statistics has constructed a super-data-collection system to "monitor" what goes on in every classroom in the nation and in the mind of every student and teacher is enough to set off the alarm. Our freedoms are being subverted by a system that was supposedly created to protect them.

The only true solution to our education problem is for the government to get out of the education business, which it should never have gotten into in the first place. Fortunately, parents still have the option of removing their children from the dysfunctional public system and educating them at home or in decent private schools where standards and goals are based on common sense and the experience of a few thousand years. . . .

SAMUEL L. BLUMENFELD
Waltham, Massachusetts

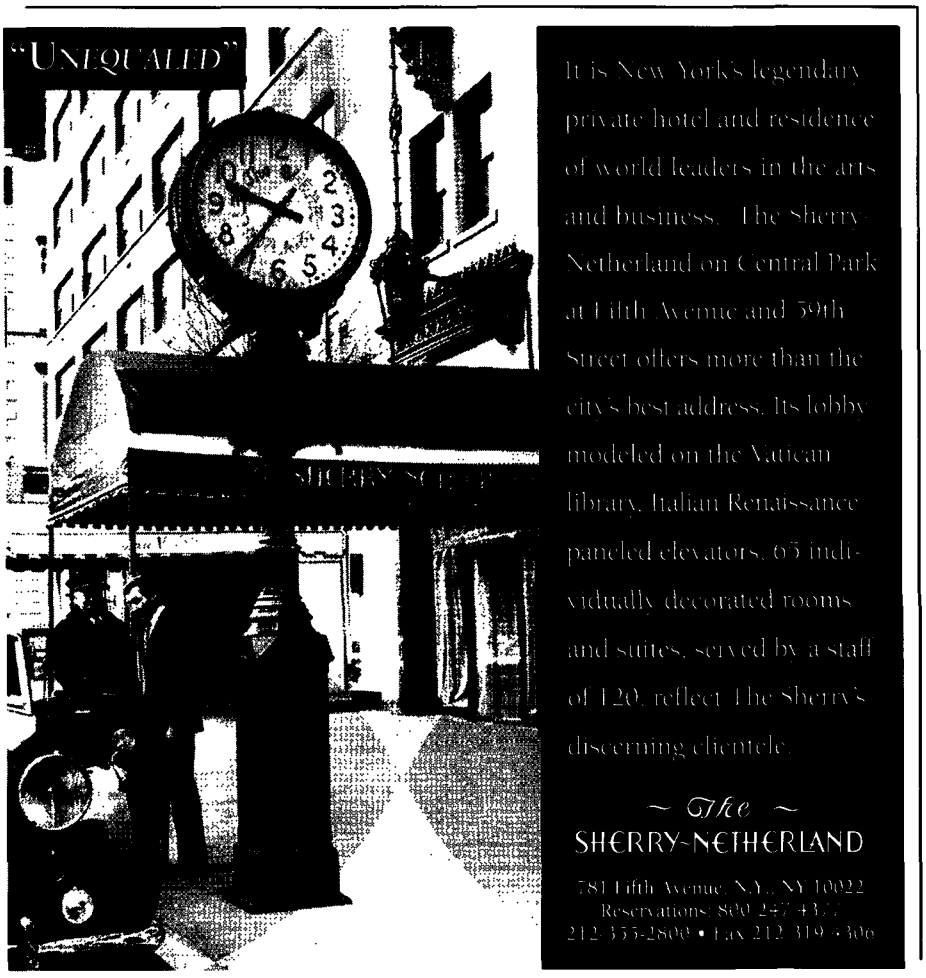
TO THE EDITOR OF COMMENTARY:

There is much with which to agree in Chester E. Finn, Jr.'s article. . . . Unfortunately, in his diagnosis of public-school problems and in his remedies for reform, he gives little indication that he understands the problems of inner-city schools. . . .

If we are ever again to have good public schools in our large cities, we must recognize the fact that these schools reflect the intractable problems of urban life. In urban America, huge numbers of children and youths grow up in poor, unstable, often one-parent families, beset by problems of living and surrounded by families in similar circumstances. With crime, violence, alcohol, drugs, and illegitimacy rampant in their neighborhoods and housing projects, does it not follow that a disproportionate number of these young people would be apathetic, troubled, unruly, or violent in school and would not want anyone telling them what to do? Many of them have had, or have fathered, babies. Many thirteen-year-old students have twenty-eight-year-old mothers. And not a few students or their parents or relatives have committed felonies; some are incarcerated.

At no other time in our history, I believe, have children and youths needed firmer controls than they do now, but over the last 30 years authority has declined, both in schools and throughout society. As a result, we have today more young people who behave badly and more who do worse things, yet teachers and schools have less authority and support to deal with them. Those who already lack inner controls for good behavior now have little reason to fear any external authority.

To make inner-city schools centers of teaching and learning once again, we must begin with these steps: the superintendent of schools in each city should state clearly . . . that bad behavior will not be tolerated. . . . If students are disruptive, unruly, or insubordinate, if they are disrespectful or threaten teachers, if they get into fights, or if they bring drugs or weapons to school, the schools will take firm, prompt action. Under due process of law, students will be suspended or expelled from school, taken to court, and/or assigned to special schools with tight discipline and regimentation.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Boards of education, legislative bodies, community and civil-rights groups, the clergy, the media, mayors and governors, and all responsible citizens should support these actions.

To have quality education across the board in our schools, especially inner-city schools, the cooperation of all students and parents is needed. Students will be expected to attend school and classes regularly, behave properly, accept reasonable authority, and study. Parents should supervise at least one hour of homework each evening.

These things will be difficult to do. After all, we have not yet been able to make our cities safe. Having safe and orderly schools, however, will help us to have effective teaching and learning.

VERNON FEEN

Columbus, Ohio

TO THE EDITOR OF COMMENTARY:

Chester E. Finn, Jr. says a lot that needs to be said about the schools, but he stumbles when he commends Governor William Weld's reforms in Massachusetts.

At the beginning of his administration, Weld made some strong statements about the failure of the generous spending of the 80's to lead to any improvement in education. He touted private initiative as the remedy for stagnation, but simultaneously appointed vigorous opponents of frugality, decentralization, and parental rights as his three chief education policy-makers. One or another of them can always be relied upon to campaign for increasing local levies to pay for new state mandates; commend the teachers' unions for their contributions to improved education; and speak before local school boards to smear parents who object to the new state-sponsored state-education curriculum. . . . These antics come as no surprise to those acquainted with Weld's watch-what-we-say-not-what-we-do approach to politics. . . .

W. DAIN OLIVER

Newton Highlands, Massachusetts

TO THE EDITOR OF COMMENTARY:

I am glad that you printed Chester E. Finn, Jr.'s article alongside Gertrude Himmelfarb's because I could see that almost all the desiderata Mr. Finn seeks to institute with respect to schooling are *already* present in higher education: consumers have power to choose among a vast range of

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Judea/Samaria (the "West Bank")
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With the "peace agreement" between Israel and the PLO, the Middle East and Israel have entered a new phase. It will inevitably lead to the creation of a Palestinian state. Can Israel survive this dismemberment? Is it in the best interest of the United States?

What are the facts?

The Root of the Conflict. The conflict between Israel and the Arabs is not about borders and not about the Palestinians. It is about Israel's very existence. The PLO still adheres to its infamous "phased plan"; it calls for first creating a Palestinian state on any territory vacated by Israel and then using that state to foment a final allied Arab assault against the truncated Jewish state.

The Importance of Territory. Many believe that in this age of missiles, territory is of little importance. But this is not the case. The Arab states have acquired over $50 billion of the most advanced armaments since the end of the Gulf War. And those are not just "conventional" weapons—enormous quantities of tanks, aircraft and much more. The Arab states possess large arsenals of chemical and biological weapons, and all of them work feverishly on the development of their nuclear potential. All of those weapons have only one single target and one single purpose: the destruction of the state of Israel. And that goal is not being cancelled for any agreements between Israel and the Palestinians.

"Without Judea/Samaria (the 'West Bank') Israel would be totally indefensible; therefore, neither the purposes of Israel nor those of the United States are served by Israel's relinquishing control over the 'West Bank'."

For both "conventional" war and for war of mass destruction, territory and topography are critical for self-defense and deterrence. The mountainous territory of Judea/Samaria (the "West Bank") is an indispensable line of defense. It totally controls access to Israel's heartland from the east. Israel needs this high ground for defense and to be able to peer deeply into enemy territory. The high ground allows Israel to detect missiles while they are still in the launch stage and to destroy them.

Would the "West Bank" be demilitarized? Even those who want Israel to retreat to her pre-1967 borders are agreed that the evacuated areas must be demilitarized. *But that would be useless. Because* the Palestinians will have thousands of trained soldiers, camouflaged as their police force. In case of war against Israel, these troops could be helicoptered in minutes to their positions, with armored forces reaching them within the same night. In any case, it is highly doubtful that the surrounding hostile Arab nations would allow such a military vacuum to exist. And finally, there is the matter of terrorism. There are over fifteen Palestinian Arab terror organizations that neither Yassir Arafat nor any other Palestinian authority can control. There would be a constant rain of Katyusha rockets launched into the Tel Aviv area and into the entire coastal plain, which contains 80% of Israel's population and of its industrial and military potential. Ben Gurion airport, every incoming and outgoing flight, would be subject to mortar fire or shoulder-held Stinger attack. Does anybody doubt that the Arabs would not exploit that irresistible opportunity?

Without the "West Bank" Israel would be totally indefensible. That is the professional opinion of over 100 U.S. generals and admirals. Israel's strong defensive posture makes it most inadvisable for Israel's enemies to attack her. But once this defensive strength is removed, a coordinated war against Israel can only be a matter of time. The example and fate of Czechoslovakia, which preparatory to the Second World War was dismantled and shorn of its defensive capacity, insistently come to mind. What does all this mean to the United States? In a part of the world in which our country has the most far-reaching geopolitical stakes, Israel is the guarantor of American interests in the area. With Israel in a position of weakness the role of the United States in the area would collapse and radical states such as Syria, Iraq and Iran would dominate. That is why, despite the heady prospect of "peace in our time", neither the purposes of Israel nor those of the United States are served by Israel's relinquishing control over the "West Bank".

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private and public providers; although there is no single standard of accountability, students' grades and transcripts do have real consequences when they seek further education, as so many do; professionals, not bureaucrats, make decisions, and so on.

So if Mr. Finn were on target, we would expect Miss Himmelfarb to paint a glowing picture of the state of higher education—which is, of course, the very opposite of what she does. This makes me wonder whether there could be something wrong with Mr. Finn's diagnosis. . . .

FRANCIS SCHRAG
Madison, Wisconsin

CHESTER E. FINN, JR. writes:

Education is the blind man's elephant. All project onto the current mediocrity the causes and attributes that are closest to hand, blaming their particular devil, generalizing from their own experience, prescribing their favorite remedies, and revealing their distinctive hopes and hang-ups. No doubt I am culpable as well. So, too, are my correspondents. Each speaks to a legitimate aspect of the "problem." None is entirely wrong.

The only bone I would pick with Edwin R. Schweber concerns "civilian control." Even while recognizing that it was the mathematicians who brought us the debacle of "new math," he would still have us trust experts to make curricular decisions. That is exactly what produced the politically-correct history standards that have drawn so much (legitimate) ire in recent months. To paraphrase William F. Buckley, Jr., I would rather have the U.S. school curriculum written by the first hundred people in the phone book than by such covens of "experts" as the American Historical Association.

Samuel L. Blumenfeld absurdly conflates my concept of school reform with "outcomes-based education," which indicates that he either did not read or did not understand my article. (Might his second-grade teacher have used the "whole-language" approach to reading?) He is also into pure fantasy with respect to a national system of classroom "monitoring." There is no such thing. His true convictions shine through in his final paragraph, in which he says that government should get entirely "out of the education business" and leave it to parents to purchase schooling for their children if they wish. Such pure libertarianism assumes that no public benefit flows from an educated populace, and there is no societal obligation to see that children get an education. I disagree. So do most Americans.

I track Vernon Feen right up to his penultimate paragraph, which spells out certain forms of behavior to be "expected" by students and parents in inner-city communities. Alas, it is the gap between expectations and realities that produced the catastrophic meltdown of our urban schools—and many others.

W. Dain Oliver plainly dislikes Governor Weld and his education team. Mr. Oliver lives in Massachusetts. My own observations and contacts from a bit farther away have led me to think highly of them.

Francis Schrag makes a cute point, but it doesn't quite work. U.S. higher education famously lacks standards of student performance, both at the point of entry (see recent works on open admissions at City College of New York, for example) and, all too often, at the point of exit, too. Indeed, it is the failure of our universities to insist on anything in particular from high-school graduates that has fed mediocrity in both systems.

Church and State

TO THE EDITOR OF COMMENTARY:

Jeremy Rabkin ["The Curious Case of Kiryas Joel," November 1994] says quite a bit about Kiryas Joel, but not nearly enough. For one thing, Mr. Rabkin reports on the various *amicus* briefs filed on each side, noting that the liberal Jewish and Protestant organizations opposed the Kiryas Joel school district, while "Orthodox Jews, the Catholic Church, the Southern Baptist Convention, and other evangelical Protestant denominations" supported it. Curiously, however, Mr. Rabkin makes no mention of another *amicus* brief filed in *opposition* to the creation of the Kiryas Joel school district by the Committee for the Well-Being of Kiryas Joel, consisting of over 500 Satmar hasidic residents of Kiryas Joel.

Thereby hangs a tale. The leader of the dissidents, Joseph Waldman, had the temerity to run for the Kiryas Joel school board without the approval of Grand Rabbi Moses Teitelbaum. Waldman is a fifth-generation Satmar. Nonetheless, for his rashness, he was expelled from the synagogue, his six children were expelled from the main yeshiva, his tires were slashed, the windows of his house were broken, and hundreds of Satmars, including the grand rabbi, demonstrated in front of his home, shouting: "Death to Waldman." (Waldman now has a permit to carry a pistol for self-protection.)

The fact is that Kiryas Joel is indeed a "theocratic municipality," ruled with an iron hand by the grand rabbi, somewhat reminiscent of the Puritan theocracy in the Massachusetts Bay Colony in the 17th century. His dictates are law on all matters of importance and dissent is not taken lightly, not only concerning religious observance, but also on such matters as who may marry whom, who may buy property, and who may run for public office. Television, radio, and the sale of English-language newspapers are forbidden in Kiryas Joel.

Mr. Rabkin writes: "In the Court's view, the New York State law creating the school district had improperly singled out the Satmar Hasidim for a special privilege not available to other groups." But Justice David Souter, in the majority opinion striking down the Kiryas Joel school district, wrote:

> [A] state may not delegate its civic authority to a group chosen according to a religious criterion. Authority over public schools belongs to the state, . . . and cannot be delegated to a local school district defined by the state in order to grant political control to a religious group.

Mr. Rabkin fails to tell us that, nor does he mention a key case relied on by the Court, *Larkin* v. *Grendel's Den*, in which the Court held that giving churches veto power (to control whether nearby restaurants may receive liquor licenses) "enmeshes churches in the exercise of substantial governmental powers contrary to . . . First Amendment strictures against establishment."

Mr. Rabkin chastises the Court majority for inconsistency in upholding accommodation to religious needs in some cases, but not for the Satmar Hasidim of Kiryas

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Joel. Justice Souter's opinion, however, says that:

> [We] do not deny that the Constitution allows the state to accommodate religious needs by alleviating special burdens . . . but accommodation is not a principle without limits, and what petitioners seek is an adjustment to the Satmars' religiously-grounded preferences that our cases do not countenance.

The American Jewish Committee (AJC) believes deeply in reasonable religious accommodation for people of all faiths, and we have so contended in numerous cases before the Supreme Court. For one example, in *Goldman* v. *Weinberger*, AJC upheld the right of an Or-thodox Jew in the Air Force to wear his *yarmulke* indoors while on duty, notwithstanding the Air Force dress code to the contrary. For another, in the case of *Gallagher* v. *Crown Kosher Supermarket*, AJC supported a constitutional challenge by Orthodox Jews on religious-liberty grounds to the Massachusetts Sunday-closing law. AJC also joined as *amicus* in support of religious accommodation in two of the cases cited by Mr. Rabkin in which the Supreme Court upheld the accommodation, *Sherbert* v. *Verner* (a state cannot deny unemployment benefits to a Seventh-Day Adventist who refused to work on Saturday), and *Wisconsin* v. *Yoder* (a state cannot require Amish pupils to attend school beyond the eighth grade). These accommodation cases, distinguishable from *Kiryas Joel*, all involved the lifting of state-imposed burdens on religious sects.

But there are some religious groups which would like to see the concept of religious accommodation stretched to the point of reading the establishment clause of the First Amendment virtually out of existence. What they really seek, under the umbrella of accommodation, is government payment for all schools controlled by religious groups. Not surprisingly, these organizations banded together in support of the Kiryas Joel school district. The American Jewish Committee is not among them.

In an *amicus* brief (together with Americans United for Separation of Church and State, the Anti-Defamation League of B'nai B'rith, the American Civil Liberties Union, the National Council of Jewish Women, and the Unitarian Universalist Association), AJC maintained that the creation of the Kiryas Joel school district "represents an impermissible form of religious accommodation." Unlike other religious accommodations which we support because they provide relief for religious groups or individuals from the burden of government regulation, the law creating Kiryas Joel "provides an *affirmative benefit* in the form of a state-financed and fully operational school district." That is a core violation of the establishment clause.

If the constitutional principle of separation of church and state is to have any meaning at all, it should mean at least this: a state cannot confer its governmental powers on a religious body. Yet that is exactly what the state of New York did in creating a special public-school district for the learning-disabled children of Kiryas Joel.

Obviously there is no constitutional problem in a public-school district that happens to be populated overwhelmingly by Jews—or Catholics, Baptists, or citizens of any other faith. But that is not Kiryas Joel. Rather, this religious enclave, by design, is for Satmar Hasidim only. Its political boundaries were drawn by the state precisely along religious lines. No one is free simply to move in. Others are not welcome. Permission to build or rent must be granted by the grand rabbi, and anyone who wants to build within Kiryas Joel's borders must pay a minimum tithe of $10,000 to Congregation Yetev Lev. Two residents who were foolhardy enough to rent without rabbinic permission were beaten and stoned. Is this an American municipality in charge of a public-school district? What lessons do the children of Kiryas Joel learn from this about the meaning of freedom and democracy?

The learning-disabled children of Kiryas Joel are fully entitled by law to a secular education at public expense. Yet these children culturally are so different from other handicapped children that they are apt to be miserable in a regular public-school setting. But there is a viable alternative. Their education can and should be effectively provided by the local public-school district at a neutral location—as Justice Souter suggested—without doing violence to constitutional principle.

Instead, as Mr. Rabkin notes, New York has "enacted a new law designed to overcome the Supreme Court's objections: any incorporated village in the state which meets certain specified conditions may now vote to organize a separate school district for itself." The purported general applicability of this new law is a subterfuge. Its sole purpose is to perpetuate the joinder of governmental and religious authority embodied in the Kiryas Joel school district.

Mr. Rabkin is quite correct in saying that the last word on this matter has not yet been spoken.

SAMUEL RABINOVE
Legal Director
American Jewish Committee
New York City

JEREMY RABKIN writes:

I agree with Samuel Rabinove that the incidents of tire-slashing and window-breaking in Kiryas Joel were deplorable. But I do not agree with his suggestion that the Satmars are too devoted to the grand rabbi to be trusted with the same rights as other citizens.

In the first place, it is a wild leap to conclude, as Mr. Rabinove does, that because the Satmars are

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generally so devoted to their grand rabbi, the village of Kiryas Joel is a "theocratic municipality" and its public-school board is a "religious body." Civil officials in the village—including members of the school board—are not appointed by the rabbi but elected by secret ballot, in full conformity with New York State election laws. In the contested school-board election mentioned by Mr. Rabinove, the dissident leader, Joseph Waldman, who was the subject of so much disapprobation from the grand rabbi, actually received the support of some 40 percent of the voters (and something like two-thirds as many votes as the nearest successful contender for a seat on the school board). This represents considerably more dissent, I believe, than could be rallied at an Ivy League university for a candidate who opposed the reigning political orthodoxies in those institutions.

Mr. Rabinove seems to think that because the winning candidates had been endorsed by the rabbi, they were unfit for civil office. Does he say this about successful candidates endorsed, for example, by the Reverend Jesse Jackson or by the many other clergymen who have involved themselves in electoral politics in cities across America? It is true that Kiryas Joel is, in religious terms, a far more homogeneous community than most and for this reason might seem to allow greater influence by particular clergymen. But Kiryas Joel is not religiously homogeneous by *law*—any more than school districts in rural Utah are entirely Mormon by law, though they may happen to be so in fact. For all Mr. Rabinove's charges about rabbinic edicts of exclusion, discrimination in housing sales is, by federal and state law, as prohibited in Kiryas Joel as anywhere else.

Mr. Rabinove's constitutional arguments are no more convincing. He insists that there is a principled difference between "lifting state-imposed burdens" on religion, on the one hand, and providing an "affirmative benefit" to religion, on the other. The very cases he cites—from the American Jewish Committee's *amicus* briefs—illustrate how confused and manipulable this supposed "principle" really is.

Captain Goldman, for example, had volunteered for service in the Air Force and drawn a regular salary from the federal treasury. No one questioned his right to wear a *yarmulke* when not in uniform. The issue was whether he could continue to draw the special benefits of participation in the Air Force while refusing to comply with the prescribed dress code for that service. It seems rather a stretch to say that he was seeking relief from "state-imposed" burdens.

Similarly, no one sought to prevent Mrs. Sherbert from refraining from work on Saturday in accordance with her Seventh-Day Adventist beliefs. The issue in *Sherbert v. Verner* was whether, having refused available employment that would have required her to work on Saturday, she could still draw unemployment insurance—which looks rather like an "affirmative benefit" to me.

On the other hand, until they organized their own special school district, the Satmars were *forced* to pay special taxes for the public-school system in the surrounding town. Mr. Rabinove acknowledges that the Satmars have a right to receive public-school services for their handicapped children and he also acknowledges that these children deserve to receive these services in special facilities, as they are "apt to be miserable in a regular public-school setting." So, after all, the "benefit" they are seeking is no more evidently "affirmative" than that sought by other successful claimants for special accommodation to *their* religious needs.

Mr. Rabinove says the proper solution is for the public-school system in the surrounding town to provide special facilities for the Satmars at a "neutral site." But in fact, the Monroe-Woodbury school district refused to do this, and when Satmar families sought to overturn that decision, the highest court in New York State ruled that the school district was not required to provide such facilities. That is why the Satmars set up their own public-school district in Kiryas Joel: to ensure that an acceptable public-school facility would be available for handicapped Satmar children.

But Mr. Rabinove finds this unacceptable because somewhere else other people have been seeking state support for actual parochial schools and somehow the Satmars remind him of these other people (though the Kiryas Joel public school was not in any way a religious school and the Satmars

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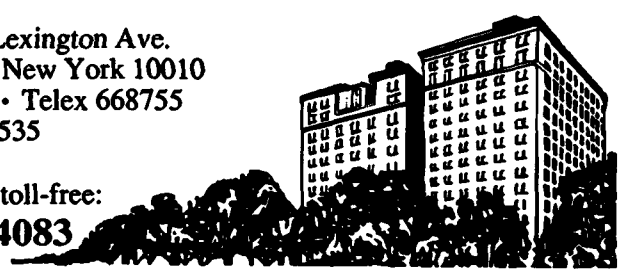

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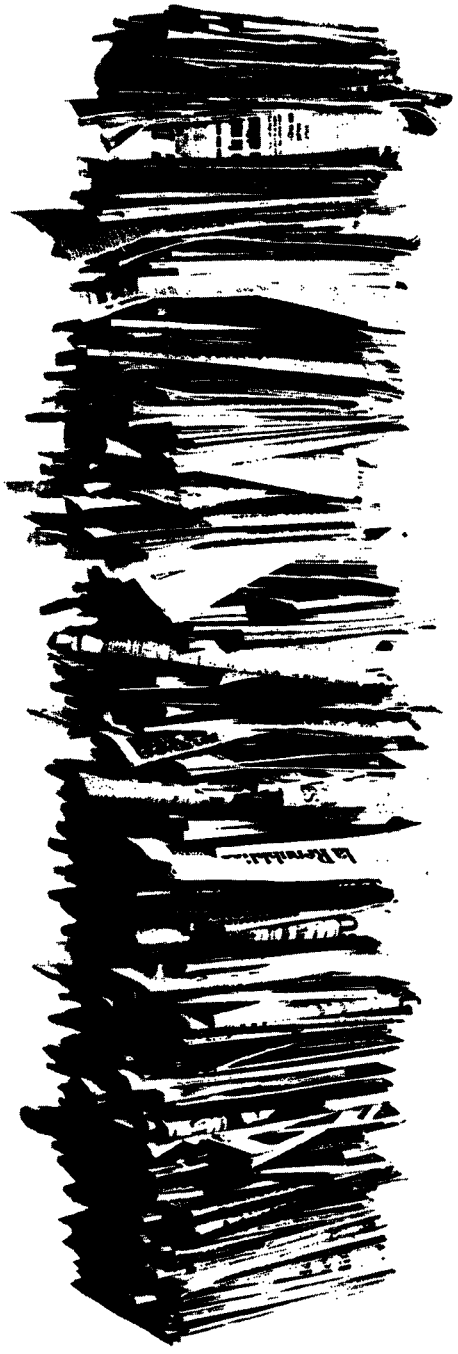

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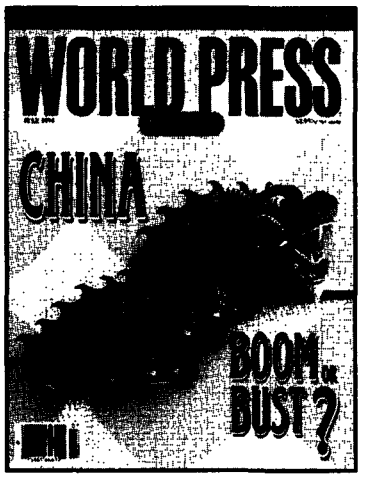

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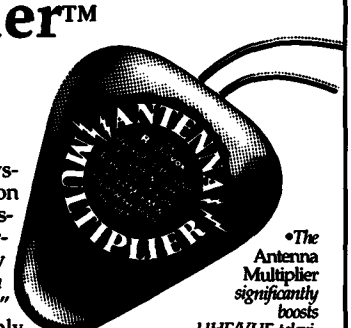

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never sought public funding for their separate religious schools). Since Mr. Rabinove is concerned about lessons, I would ask him: what lessons do the children of Kiryas Joel learn about American principles of tolerance and equality from the relentless campaign against their school?

Fortunately, New York State's legislative response to last June's Supreme Court ruling—allowing any village of a certain size to establish its own school district, as the village of Kiryas Joel has voted to do—has already been endorsed by a lower court in Albany. The same groups that challenged the Kiryas Joel school district last year will probably seek to appeal this ruling all the way to the U.S. Supreme Court (as Mr. Rabinove intimates at the end of his letter). But I think that, this time around, the three dissenters in the original Supreme Court ruling will be joined by Justices Kennedy and O'Connor (who wrote separate concurrences to the original Kiryas Joel ruling, inviting just the sort of response New York has now made). The Court is therefore likely to reject the efforts of Mr. Rabinove and his allies to overturn the tolerant and accommodating policy of New York's elected legislature. I certainly hope it does.

Free Speech

TO THE EDITOR OF COMMENTARY:

I subscribe to Justice Black's absolutist views of the First Amendment, and I am also an admirer of John O. McGinnis, but his tirade against leftist efforts to have government regulate speech is so shrill, and his historical errors so significant ["The Left vs. Free Speech," October 1994], that I am not sure he has advanced the argument. . . .

Mr. McGinnis singles out for attack three leftists who argue that the government should regulate speech: Morton Horwitz, Stanley Fish, and Cass Sunstein. He recognizes that these three men are quite different, and he even acknowledges that the first two are well out of the political mainstream. He nonetheless attributes common motives to each of them. "Elements on the Left," Mr. McGinnis argues, "have begun to oppose a free market in ideas for the same reason that inefficient, failing companies favor government regulation of their product mar-

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ket: they fear competition and hope to retard it." All I can say to this is that Mr. McGinnis has apparently not read much of any of the men he criticizes, for whatever one might say about them, the idea that they fear debate is preposterous.

In fact, I am not sure what the point is of speculating as to why people have the views they have. Why not just debate the issues? Because I am not much of a mind reader, I cannot say with certainty that Mr. McGinnis is wrong in imputing to Horwitz, Fish, and Sunstein the motives he does, but I can say with confidence that the historical record does not bear out his charges. Stanley Fish has had one philosophical idea, which he has been recycling for over twenty years; he had that idea by the early 70's at the latest, well before the Communist collapse; and it is not even his idea. Fish simply does not believe in truth. He therefore rejects the idea that the First Amendment serves the instrumental value of aiding in the search for political or normative truth. Many legal scholars have argued that Fish is quite wrong, that we are surely capable of articulating truthful, normative, or legal propositions. One of Fish's most vocal opponents is Owen Fiss who, of all things, shares Sunstein's views.

Unlike Fishean skeptics, anti-pornography crusaders, whom Mr. McGinnis mentions but conspicuously does not include among those he lampoons (perhaps because he agrees with their political agenda? I won't try to read his mind), also support restrictions on the First Amendment precisely because they *do* believe in truth. Their arguments depend upon the proposition not only that pornography is harmful, a claim which is empirically dubious, but also upon the idea that pornography is false. Similarly, the supporters of governmental restrictions on so-called hate speech, of which Horwitz is one, also necessarily adhere to a vision of the First Amendment which presupposes the existence of political truth. How this has anything at all to do with the collapse of Communism escapes me.

Cass Sunstein, the third leftist whom Mr. McGinnis identifies, also appears to believe in truth. I must confess that I found Sunstein's book quite thoughtful, and I must also say that I have no quibble with Mr. McGinnis's summary of Sunstein's argument. Sunstein agrees that the First Amendment does indeed play a truth-serving function in our democracy. Accordingly, when the market is dominated by the loudest voices, the First Amendment is failing in its instrumental role. I cannot fathom how Mr. McGinnis constructs a connection between Sunstein's thesis and the collapse of socialist societies. Sunstein's point (unlike, say, the anti-pornographers') is not that the government should make some people shut up; it is that the government must ensure that people who are at present silenced get to speak. Obviously, Sunstein's prescription can be regarded as a form of wealth redistribution, but so are antitrust laws, and I have never heard anyone—maybe Mr. McGinnis will be the first—call Theodore Roosevelt a Communist.

DAVID R. DOW
Law Center
University of Houston
Houston, Texas

JOHN O. MCGINNIS writes:

My "historical errors" are of David R. Dow's own imagining. I did not argue that Stanley Fish had only recently become skeptical of the possibility of truth or that truth-skepticism is itself a new idea. Instead, I observed that Fish had recently—at a time when liberal-Left ideas seem to be collapsing politically—applied his truth-skepticism to free-speech doctrine with the avowed purpose of freeing the "liberal-Left" from its traditional absolutist view of the First Amendment. Nor did I argue that Cass Sunstein, Morton Horwitz, and Fish shared some underlying epistemology, but simply that they had, in different ways, all recently turned against traditional First Amendment principles. Indeed, legal theorists who have little in common but a position on the Left of the political spectrum have all recently expressed an interest in greater government regulation of speech. This strengthens rather than weakens my thesis that the new First Amendment revisionism is connected to the declining influence of left-wing thought in the marketplace of ideas.

As for Mr. Dow's complaint about my focusing on motives, I made clear in my article that I had debated the merits of greater government regulation of speech elsewhere. In any event, it has generally been accepted, at least since Hume, that social ideas cannot be fully fathomed without putting them in the context of the passions that give rise to them, even if the advocates of the ideas themselves lack such self-understanding.

It is amusing to be characterized as "shrill" by one who, in his peroration, suggests that I may be obliged, for the sake of consistency, to label Theodore Roosevelt a Communist. (Incidentally, the antitrust laws have as their object the increase of consumer welfare, not redistribution.) I called no one a Communist. My single mention of Communism came in a long list of recent political developments that have been unfavorable to all social egalitarians—a group that includes not only Communists but Democratic and Fabian Socialists as well as many liberal Democrats. The purpose of the list was to show the full extent of the Left's retreat and thus explain the wide front on which the new First Amendment revisionism is taking hold.

Mr. Dow is not a very tenacious First Amendment absolutist if he is so easily tempted by the prospect, proposed by Sunstein, of a "New Deal" regime in which the state may redistribute the speech opportunities as it redistributes wealth. This would inevitably require the state to make decisions about the content of what is to be disseminated. For example, to determine whether a view has been insufficiently represented, the state would have to make political distinctions. Does the view of a traditional conservative require the response of a libertarian as well as a liberal? What about a socialist? If Sunstein's proposal were put into practice, assessments like these would dictate the shape of our political discourse. That is why the New Deal for speech is so much more destructive of the First Amendment than attempts to regulate pornography (although, contrary to Mr. Dow's claim, I *expressly* drew attention to such attempts as part of the unfortunate new enthusiasm for the regulation of speech).

Finally, I hope I may continue to enjoy Mr. Dow's admiration, which heretofore was a well-kept secret.

Jewish Continuity

TO THE EDITOR OF COMMENTARY:

The article by Jonathan D. Sarna ["The Secret of Jewish Conti-

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nuity," October 1994] is disturbing because it encourages optimism and complacency at a time when there is no clear justification for either. The fact that Jews have survived despite what has occurred in the past has no bearing on what will happen in the future.

Mr. Sarna cites evidence to show that intermarriage is also prevalent among other religious and ethnic groups in America and that they remain relatively unconcerned by it. But this provides little solace to Jews who, in contrast to others, are in jeopardy of becoming an "endangered species" unless there is a major reversal of demographic trends.

Statistics have shown that preserving Jewish continuity depends on: (1) excellent Jewish education; (2) family observance of rituals in the home and synagogue so that these become an ingrained, enjoyable way of life for children; and (3) meaningful trips to Israel and identification with the Jewish state.

A concerted effort to accomplish these goals is needed rather than a reliance on the fact that things have always worked out pretty well in the past.

S.W. SCHOENBAUM
Hollywood, Florida

TO THE EDITOR OF COMMENTARY:

Jonathan D. Sarna discusses the . . . alarm of the American Jewish community over the rapid loss of its young people to "assimilation and rampant intermarriage." . . . His analysis of the shift in identity among Americans from "descent" to "consent" goes to the very heart of this dilemma, and I only wish he had devoted more space to it. Here is an area in which Jewish leaders could exert a profound reversal of current trends if they would observe the issue through secular eyes.

The crucial question that needs addressing, of course, is why this shift has taken place. What is it that has caused Jewish youth to break away from their ancestral bonds? The obvious answer is that traditional Judaism no longer satisfies their needs. . . .

Modern youngsters are much too questioning, much too analytical—in short, much too sophisticated to put up with Jewish ritual as currently practiced in American synagogues, where they are confronted with liturgical services virtually 100-percent dedicated to praising and beseeching a God who has not, in their estimation, shown particular favor to their people over the last two millennia. . . . They hear too many tendentious sermons and endure long, wearisome, and tuneless cantorial chanting in a language most cannot follow. As a result, religious services bore them. . . .

If Judaism wishes to recapture these young, thinking minds, if it wishes once more to fill its sanctuaries, it must adapt itself to changed conditions. . . . When synagogues decrease their poetically redundant prayers to the Almighty on Friday nights and substitute more discussions of Jewish ethics and the ramifications of current world problems on their lives, Jewish youth will feel challenged and attracted. . . .

STANLEY P. KESSEL
Hollywood, Florida

TO THE EDITOR OF COMMENTARY:

Jonathan D. Sarna . . . describes four "transformations" in the larger American society that have had an impact on Jewish continuity. . . .

The first has to do with ethnicity. Jews are losing their ethnic identity. If Jews wish to remain distinctive in American society, where their ethnicity has blended with that of white Europeans, they need an alternative, an identity located outside ethnicity. The best alternative for Jews is to reexamine a religious identity. . . .

The second "transformation" concerns religion: Judaism itself is becoming marginalized, is losing status, in American society because the number of its adherents is small and declining. Obviously, the best way to fight this is to increase the number of adherents. But there has not been an increase in Jewish births, so an alternative must be found.

The third "transformation" Mr. Sarna mentions is "Marital Patterns." Here the issue revolves around the Jewish need to justify opposition to intermarriage. This problem also underscores the need for a religious identity, for without it the argument for endogamy is very much weakened. . . .

In discussing the final "transformation," "Identity Patterns," Mr. Sarna states that in American society, identity has become much more a matter of consent than descent, a fact which is reflected in the statistic he cites that 25 percent of Americans have changed their faith or denomination at least once. This "transformation" can . . . show us a way to increase Jewish numbers.

If religious Jews sought and welcomed converts, Jewish ethnicity would be superseded by an emphasis on religion, for conversion focuses precisely on religious identity. Welcoming converts would increase Jewish numbers in a way that supplements Jewish births. . . . Such seeking of converts could focus on those Gentiles currently married to or the children of born Jews.

A welcoming attitude toward converts is grounded in traditional Jewish religious thought and was practiced at crucial times in Jewish history. I think the renewal of this ancient tradition could be one of the secrets of Jewish continuity.

LAWRENCE J. EPSTEIN
Stony Brook, New York

JONATHAN D. SARNA writes:

S.W. Schoenbaum and Stanley P. Kessel, both residents of Hollywood, Florida, seem less interested in my analysis than in using the Jewish-continuity debate to advance their own preconceived and diametrically opposite communal agendas. Mr. Schoenbaum believes that assimilation is the problem and tradition is the solution, while Mr. Kessel believes that tradition is the problem and assimilation is the solution. In fact, as I tried to show in my article, the challenges faced by contemporary Jews are vastly more complicated, and can only be understood within the context of recent changes in the American social environment. Still, given the choice, I prefer Mr. Schoenbaum's proposals to Mr. Kessel's, since the latter's were tried long ago and found wanting. I do not, however, share Mr. Schoenbaum's blind faith in statistics, nor do I delude myself into believing that the only thing required to accomplish his goals is "concerted effort."

Lawrence J. Epstein, eager to convert the Gentiles, shares with Mr. Kessel an affinity for ideas long since tested by American Jews and found wanting. There is nothing new in his idea that Jewish peoplehood ("ethnicity") should be superseded by an emphasis on religion: 19th-century Classical Reform Jews preached the same misguided notion, and abandoned it. The real challenge, as I have argued elsewhere, is to make certain

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that converts take their rightful place within the peoplehood of Israel, so that they are not merely Jews by choice but Jews by commitment—a commitment that obligates them and their descendants. Mr. Epstein's proposal would, in effect, create one-generation Jews without Jewish parents and without Jewish children. This is surely *not* the kind of discontinuity that will promote long-term Jewish revitalization.

Crime in America

TO THE EDITOR OF COMMENTARY:

James Q. Wilson's "What To Do About Crime" [September 1994] is a thought-provoking article by one of America's great intellects. However, his comparison of U.S. homicide rates with those of other industrialized nations should be studied more closely.

On the surface it appears that Americans are more violent than Europeans. For instance, in 1992 Americans had 9.6 homicides per 100,000 population, while Britain had 7.4, Italy had 6.0, France 4.6, and Germany 4.2. Mr. Wilson attributes this, in large part, to the greater availability of firearms in the U.S. But . . . England, France, Germany, and Italy are more homogeneous societies than is the United States. In order to make a more accurate comparison, therefore, one should compare only the white population of the U.S. with the populations of these countries.

Here, sadly, African-Americans are responsible for a disproportionate amount of crime, especially murders. For example, a recent statistic released by the Department of Justice shows that black males, ages 15 through 24, who comprise only 1 percent of the U.S. population, are responsible for 20 percent of the felonious homicides. Overall, African-Americans commit 55 percent of the homicides. Thus, if you factor out homicides committed by blacks, America's murder rate is seen to be equal to, or lower than, those of England, France, Germany, and Italy. . . .

The press and many within academia tend to ignore the question of race and crime in American society. Perhaps it suits their agenda to do so. After all, aren't crime studies comparing us unfavorably with Europeans just another form of America-bashing?

JAMES J. KOURI
National Association of Chiefs of Police
Washington, D.C.

JAMES Q. WILSON writes:

James J. Kouri claims that the homicide rate in the United States is similar to that in several European nations once one allows for the racial diversity of this country. In particular, if one compares only white homicides here with homicides in white European countries, we discover that the U.S. is not an especially violent nation. There is, accordingly, no need to explain violence in America by reference to gun ownership, historical traditions, or any other distinctive factor.

I believe Mr. Kouri is wrong in his conclusion because he is wrong in his calculations. He claims that the homicide rate (crimes per 100,000 population) in 1992 was 7.4 in Britain, 6.0 in Italy, 4.6 in France, and 4.2 in Germany. I do not know where he obtained these figures. Perhaps he will tell me. The latest figures I was able to get from Interpol are for 1990. At first glance they seem to confirm Mr. Kouri's conclusion: the murder rate in France was 4.5, in Italy 6.4, in Germany 3.9.

But it has long been the case that Interpol reports, in the column headed "Number of crimes known to the police," the sum of *completed* and *attempted* homicides. In the next column it shows what percentage of all reported homicides were merely attempts (crimes that in this country would be reported as aggravated assaults). To calculate the true homicide rate using Interpol data, one must first subtract the attempts. In many countries this is a very large number. Here are the Interpol data for 1990:

COUNTRY	HOMICIDES REPORTED	ATTEMPTS (PERCENT)	COMPLETED
France	2,526	46.36%	1,353
Germany	2,419	68.20%	772
Italy	3,676	45.32%	2,011
Neth.	2,206	90.00%	206
Spain	963	12.46%	843
Sweden	603	60.00%	241
UK	1,145	47.60%	600
USA (all)	23,440	0	23,440
USA (whites)	11,300	0	11,300

HOMICIDE RATE

COUNTRY	ALL	COMPLETED ONLY
France	4.5	2.4
Germany	3.9	1.2
Italy	6.4	3.5
Neth.	14.8	1.4
Spain	2.4	2.2
Sweden	7.0	2.8
UK	2.3	1.1
USA (all)	9.4	9.4
USA (whites)	5.6	5.6

The estimated number of homicides committed by whites in the U.S. is at least twice as great as the total homicide rate in any listed European nation except Italy; the U.S. rate is 60 percent greater than the Italian one. Contrary to what Mr. Kouri suggests, there is much more to American violence than the composition of our population. If he has evidence to the contrary or believes that these Interpol data are wrong, I hope he will explain why.

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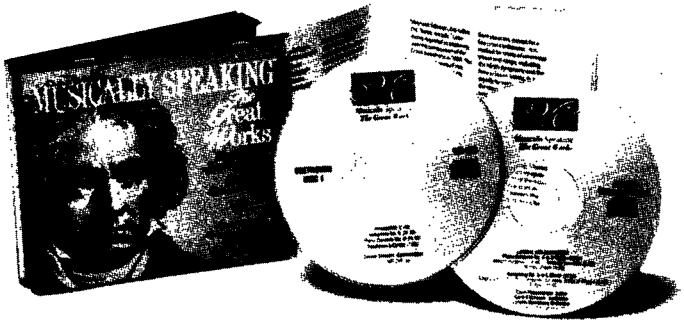

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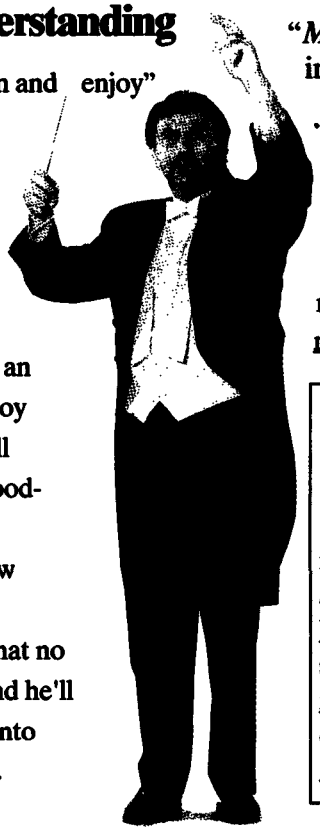

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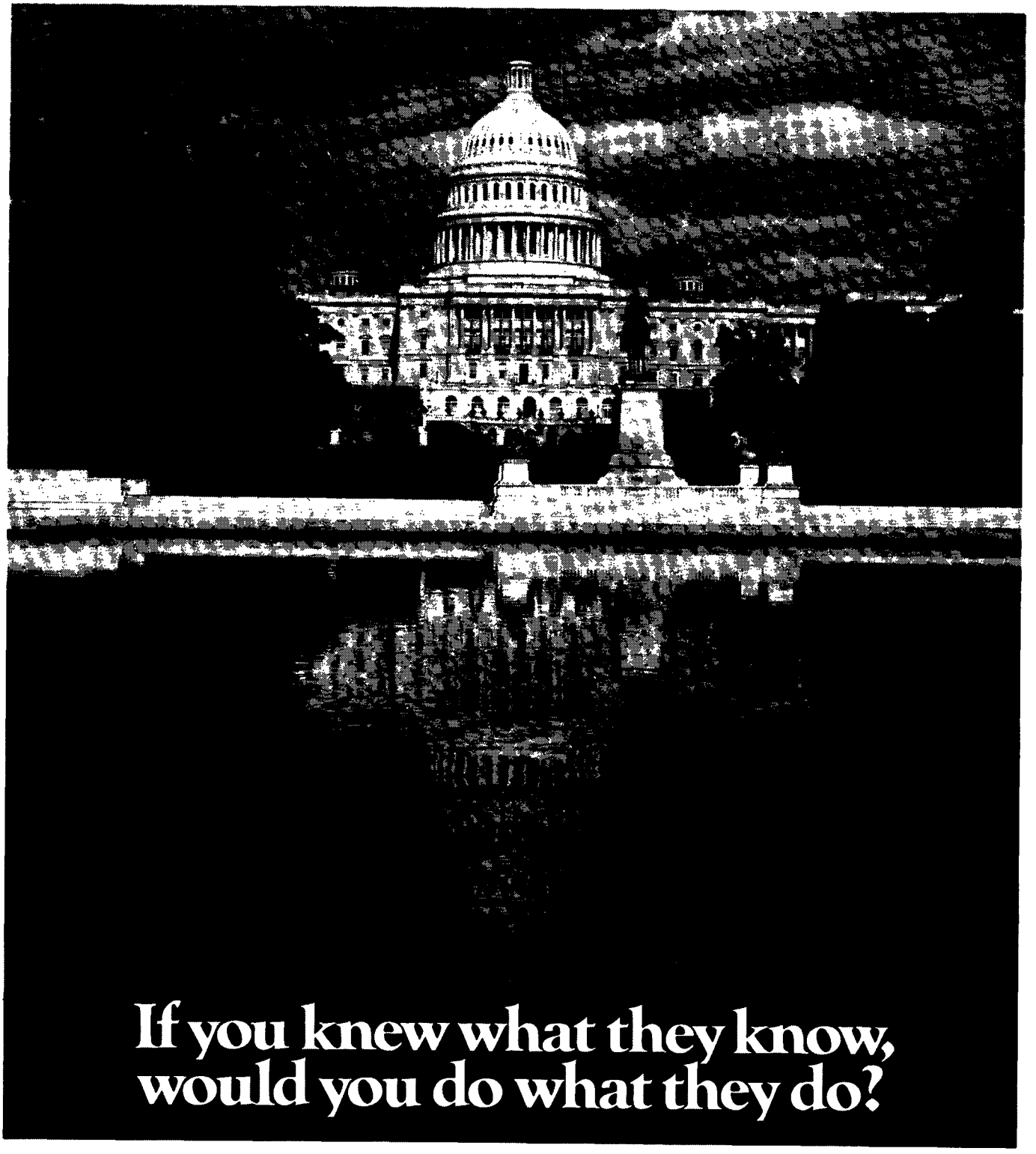

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What To Do About the First Amendment

Robert H. Bork

THE text of the First Amendment is quite simple: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." These are not words that would lead the uninitiated to suspect that the law, both with regard to religion and with regard to speech, could be what the Supreme Court has made of it in the past few decades.

Where religion is concerned, for example, a state may lend parochial schoolchildren geography textbooks that contain maps of the United States but may not lend them maps of the United States for use in geography class; a state may lend parochial schoolchildren textbooks on American colonial history but not a film about George Washington; a state may pay for diagnostic services conducted in a parochial school but therapeutic services must be provided in a different building.*

At this moment, the most prominent issue involving the religion clauses of the First Amendment stems from the decision in *Engel* v. *Vitale* (1962), and subsequent cases, prohibiting prayer, Bible reading, or even a moment of silence in public schools. In addition to declaring that these are all violations of the First Amendment, the Court has held unconstitutional even school practices that are neutral as among different religions on the ground that, under the First Amendment, religion may not be preferred to irreligion. Since the vast majority of Americans are believers, these holdings are fiercely resented by most of them as attempts to impose secularism on their children, and school prayer remains a simmering political issue.

The new Speaker of the House of Representatives, Newt Gingrich, has responded to these concerns by proposing to offer a constitutional amendment to permit the prayer the Court forbids. The current draft of the amendment reads:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any state to participate in prayer. Neither the United States nor any state shall compose the words of any prayer to be said in public schools.

Whatever one may think of the language here and of the idea of an amendment specifically directed to school prayer, left untouched are far more serious judicial deformations of the true constitutional relationship between government and religion. For the Supreme Court has been secularizing not just the public schools but, so far as it is able, our entire culture. We have grown so accustomed to this trend that it may come as a shock to realize that it does not reflect the intention underlying the religion clauses.

The First Amendment's establishment clause—"Congress shall make no law respecting an establishment of religion"—clearly precludes recognition of an official church, and it can easily be read to prevent discriminatory aid to one or a few religions. But it hardly requires the conclusion that government may not assist religion in general or sponsor religious symbolism. An established religion is one which the state recognizes as the official religion and which it organizes by law. Typically, citizens are required to support the established church by taxation. The Congress that proposed and the states that ratified the First Amendment knew very well what an establishment of religion was, since six states had various forms of establishment at the time; ironically, one reason for the prohibition was to save these state establishments from federal interference.

The history of the formulation of the clause by Congress† demonstrates that it was not intended to ban government recognition of and assistance to religion; nor was it understood to require government neutrality between religion and irre-

ROBERT H. BORK, who served from 1982 to 1988 as a federal judge on the court of appeals for the D.C. circuit, is John M. Olin Scholar in Legal Studies at the American Enterprise Institute and the author of *The Tempting of America: The Political Seduction of the Law* and *Antitrust Paradox: A Policy at War With Itself.*

* This list comes from then-Associate Justice Rehnquist's dissent in *Wallace* v. *Jaffree* (1985).

† See Walter Berns, *The First Amendment and the Future of American Democracy*; Robert Cord, *Separation of Church and State*; and C. Antieau, A. Downey, and E. Roberts, *Freedom from Federal Establishment.*

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ligion. And as we shall see, it most certainly was not intended to erase religious references and symbolism from the actions and statements of government officials.

HAD the establishment clause been read as its language and history show it should have been, the place of religion in American life would be very different from what it now is. But in modern times, the Supreme Court has developed a severe aversion to connections between government and religion. Nowhere is that more evident than in the Court's alteration of its fixed rules to allow such connections to be challenged far more easily than other claimed violations of the Constitution.

Major philosophical shifts in the law can occur through what may seem to laymen mere tinkerings with technical doctrine. Thus, the judiciary's power to marginalize religion in public life was vastly increased through a change in the law of what lawyers call "standing." Orthodox standing doctrine withholds the power to sue from persons alleging an interest in an issue only in their capacities as citizens or taxpayers. An individualized personal interest, some direct impact upon the plaintiff, such as the loss of money or liberty, is required. But in 1968, in *Flast* v. *Cohen*, the Supreme Court created the rule that taxpayers could sue under the establishment clause to enjoin federal expenditures to aid religious schools.

Though the opinion offered a strained explanation that would fit some suits under other parts of the Constitution, the Court has managed to avoid allowing such suits with still more strained rationales. Every single provision of the Constitution from Article I, Section 1 to the 37th Amendment is immune from taxpayer or citizen enforcement—except one. Only under the establishment clause is an ideological interest in expunging religion sufficient to confer standing.

The unhistorical severity of establishment-clause law was codified in the Supreme Court's opinion in *Lemon* v. *Kurtzman* (1971). To pass muster, the Court held, a law must satisfy three criteria: (1) the statute or practice must have a secular legislative purpose; (2) its principal or primary effect must be one that neither advances nor inhibits religion; and (3) it must not foster an excessive government entanglement with religion.

So few statutes or governmental practices that brush anywhere near religion can pass all of those tests that, were they uniformly applied, they would erase all traces of religion in governmental affairs. But there are too many entrenched traditions around for *Lemon* to be applied consistently. While a case challenging the use of a paid chaplain in Nebraska's legislature was pending in the Supreme Court, the appeals court on which I then sat gathered to hear a challenge by atheists to the practice of paying the chaplains who serve Congress. We and counsel stood while a court officer intoned, "God save the United States and this honorable court," an inauspicious beginning for the plaintiffs since the ritual, followed in the Supreme Court as well, would appear to violate all three prongs of *Lemon*.

Our case was later rendered moot because the Supreme Court approved the Nebraska legislature's chaplain in *Marsh* v. *Chambers* (1983). Justice William Brennan, dissenting, argued that the state's practice could not pass the *Lemon* test since it hardly had a secular purpose, and the process of choosing a "suitable" chaplain who would offer "suitable" prayers involved governmental supervision and hence "entanglement" with religion. The Court majority, however, relied on the fact that employing chaplains to open legislative sessions conformed to historic precedent: not only did the Continental Congress employ a chaplain but so did both houses of the first Congress under the Constitution which also proposed the First Amendment. In fact, they also provided paid chaplains for the Army and Navy.

Presumably for that reason, Chief Justice Burger, who had written *Lemon*, did not apply it in *Marsh*. And quite right he was. The Court often enough pays little attention to the historic meaning of the provisions of the Constitution, but it would be egregious to hold that those who sent the amendment to the states for ratification intended to prohibit what they had just done themselves.

But if the *Lemon* test should be ignored where there exists historical evidence of the validity of specific practices or laws that could not otherwise pass muster, then it is a fair conclusion that the test itself contradicts the original understanding of the establishment clause and is destroying laws and practices that were not meant to be invalidated.

AS MATTERS stand, *Lemon* makes it difficult for government to give even the most harmless or beneficial forms of assistance to religious institutions. New York City, for example, implemented a program, subsidized with federal funds, under which public-school teachers could volunteer to teach in private schools, including religious schools. The program offered instruction to educationally deprived children in remedial reading, mathematics, and English as a second language. The teachers were accountable only to the public-school system, used teaching materials selected and screened for religious content by city employees, and taught in rooms free of religious symbols. The teachers were generally not members of the religious faith espoused by the schools to which they were assigned. There was no evidence that any teacher complained of interference by private-school officials or sought to teach or promote religion.

The court of appeals said this was "a program that apparently has done so much good and lit-

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tle, if any, detectable harm." Nevertheless, constrained by *Lemon*, that same court held the program an impermissible entanglement because the city, in order to be certain that the teachers did not inculcate religion, had to engage in some form of continuing surveillance. The Supreme Court, in *Aguilar* v. *Felton* (1985), affirmed on the same ground. The educationally deprived children were then required to leave the school premises and receive remedial instruction in trailers.

To cite another example, the Satmar Hasidim, who observe a strict form of Orthodox Judaism, organized the village of Kiryas Joel in Orange County, New York, where only members of the sect lived. Children were educated in private religious schools which did not offer any special services to the handicapped. The handicapped pupils were thus forced to attend public schools outside the village. But their parents soon withdrew them because of "the panic, fear, and trauma" the children suffered in leaving their own community and being with people whose ways were so different and who taunted them. The New York State legislature then enacted a statute making Kiryas Joel a separate school district which ran only a secular special-education program for handicapped children; the other children of Kiryas Joel remained in the private religious schools. When the separate school district was, predictably, challenged, the trial court held that the statute violated all three criteria of *Lemon*. Dividing six to three, the Supreme Court affirmed in *Board of Education of Kiryas Joel* v. *Grumet* (1994), though the various opinions articulated different rationales.

Those parts of Justice David Souter's opinion in which a majority of the Court joined found an establishment-clause violation because the unusual nature of the statute gave "reason for concern whether the benefit received by the Satmar community is one that the legislature will provide equally to other religious (and nonreligious) groups" and because the statute delegated political power to a religious group. Justice Stevens, joined by Justices Blackmun and Ginsburg, concurred with the remarkable statement that in protecting the handicapped students from "panic, fear, and trauma," "the state provided official support to cement the attachment of young adherents to a particular faith."*

THIS was only one of many decisions detecting the "establishment of religion" in the most innocuous practices. A lower court held that it was unconstitutional for a high-school football team to pray before a game that nobody be injured. Another court held that a Baltimore ordinance forbidding the sale of non-kosher foods as kosher amounted to the establishment of religion. A federal court decided that a school principal was required by the establishment clause to prevent a teacher from reading the Bible silently for his own purposes during a silent reading period because students, who were not shown to know what the teacher was reading, might, if they found out, be influenced by his choice of reading material.

The list of such decisions is almost endless, and very few receive Supreme Court review, not that that would be likely to change things. After all, the Supreme Court itself decided in *Stone* v. *Graham* (1980) that a public school could not display the Ten Commandments. (The school authorities were so intimidated by the current atmosphere that they attached a plaque stating that the display was intended to show our cultural heritage and not to make a religious statement; no matter, it had to come down. It also did not matter that the courtroom in which the case was heard was decorated with a painting of Moses and the Ten Commandments.)

So, too, in *Lee* v. *Weisman*, decided in 1992, a five-Justice majority held that a short, bland, nonsectarian prayer at a public-school commencement amounted to an establishment of religion. The majority saw government interference with religion in the fact that the school principal asked a rabbi to offer a nonsectarian prayer. Government coercion of Deborah Weisman was detected in the possibility that she might feel "peer pressure" to stand or to maintain respectful silence during the prayer. (She would, of course, have had no case had the speaker advocated Communism or genocide.) Thus was ended a longstanding tradition of prayer at school-graduation ceremonies.

The law became a parody of itself in *Lynch* v. *Donnelly*, a 1984 decision concerning Pawtucket, Rhode Island's inclusion of a crèche in its annual Christmas display. The Court held that the display passed muster, but only because, along with the crèche, it also included such secular features as

> a Santa Claus house, reindeer pulling Santa's sleigh, candy-striped poles, a Christmas tree, carolers, cut-out figures representing such characters as a clown, an elephant, and a teddy bear, hundreds of colored lights, and a large banner that reads "SEASON'S GREETINGS."

The display of a menorah on a public building has been subjected to a similar analysis. In other words, the question to be litigated nowadays is whether there is a sufficient number of secular symbols surrounding a religious symbol to drain the latter of its meaning.

MODERN establishment-clause jurisprudence is often justified by reference to the views of Jefferson and Madison, but

* For a more detailed account, see "The Curious Case of Kiryas Joel," by Jeremy Rabkin, COMMENTARY November 1994.—ED.

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the truth is that their opinions on this subject were idiosyncratic among the Founders. Jefferson's often-quoted phrase about the "wall of separation" between church and state appears in a letter he wrote to the Danbury Baptist Association, and most historians agree that he was not expressing the views of those who enacted the Bill of Rights. As for Madison, the constitutional scholar Walter Berns points out:

> It is sufficient to recall that as President he vetoed a bill to grant a charter of incorporation to the Episcopal Church in Washington, D.C. [a routine practice at the time], and opposed the appointment of chaplains in the Army and Navy and the granting of tax exemptions to "Houses of Worship"; he even objected to presidential proclamations of days of thanksgiving. . . . The extent to which others did not share all his views is reflected in the fact that he found it necessary to yield to the pressure and issue such a proclamation.

In short, Jefferson and Madison held radical and unrepresentative positions on what constituted the establishment of religion. By following their opinions, the Supreme Court has mutilated the establishment clause as it was understood by those who made it law.

Indeed, no rigid separation of religion and government such as *Lemon* prescribes is even conceivable. For governments regularly and inevitably take actions that do not have a secular purpose, whose principal effect is to advance religion, and which entangle them with religion.

Aside from the examples already given, there are property-tax exemptions for places of worship, which do not have a secular purpose and do advance religion. Government, in the form of boards, courts, and legislatures, determines what qualifies as religion in order to award draft exemptions for conscientious objectors, aid to schools, and the like. In order to see that education is properly conducted, states must inspect and demand certain levels of performance in religious schools. Federal employees receive paid time off for Christmas, and the National Gallery preserves and displays religious paintings.

In short, our actual practices cannot be made consistent with the complete separation of religion and government.

There may be some who are dubious about the claim that the judiciary's rulings are hostile or damaging to the place of religion in society. To them, I recommend Justice Potter Stewart's dissent in *Abington School District* v. *Schempp*, a 1963 decision in which the majority struck down rules that required Bible reading without discussion at the beginning of each school day. Said Stewart:

> [A] compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of the religion of secularism, or at the least, as government support of the beliefs of those who think that religious exercises should be conducted only in private.

Similar conclusions could be drawn concerning the effects of decisions erasing religious speech and symbolism from our public life and denying nondiscriminatory aid to religious institutions. Nathan Lewin, who argued the case for the village of Kiryas Joel, wrote, justly I think:

> The *Kiryas Joel* decision proved once more that a majority of the Justices of the Supreme Court—like most judges of lower courts in the United States—are either hostile to religion or do not understand what religious observance is all about.

THE case is very different with the speech and press clauses of the First Amendment.* Since this part of the amendment has less legislative history than the religion clauses, its plausible meaning must be deduced from other materials. But we can dispose at once of the notion that because the First Amendment states that "Congress shall make no law . . . abridging the freedom of speech," it imposes an absolute bar to any regulation of speech. Nobody supposes that, not even judges who announce "absolute" positions. There are well-recognized exceptions of time, place, and manner: Congress, for example, can have a person prosecuted for haranguing its members from the visitors' gallery, and it has been held constitutional, under a congressionally-enacted code of military conduct, to imprison an officer for inciting troops to disobedience.

Still, the existence of the amendment implies that there is something special about speech, something that sets it apart from other human activities that are not accorded constitutional protection. Justice Brandeis tried to specify what that something was in his impassioned concurrence in *Whitney* v. *California* (1927). He wrote, though more colorfully, that the benefits of speech are: (1) the development of the faculties of the individual; (2) the happiness to be derived from engaging in the activity; (3) the provision of a safety valve for society; and (4) the discovery and spread of political truth.

The list is not entirely satisfactory. The first two benefits do not distinguish speech from a myriad of other unprotected activities that de-

* The law of the press clause is quite similar to that of the speech clause, so in the interest of brevity I will deal only with the speech clause here.

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velop human faculties or contribute to happiness. The safety-valve function suggests that prudence requires letting people blow off steam so they do not engage in actions that threaten stable government, yet prudence to preserve stable government is necessary in many ways, none of them important enough to be mentioned in the Constitution.

The "discovery and spread of political truth," however, does set speech apart from other human activities. Only speech can deal explicitly, specifically, and directly with politics and government. In a previous writing, I too casually accepted Brandeis's qualification of the truth to be discovered and spread as "political," and I therefore mistakenly arrived at the proposition that only explicitly political speech should be protected by the speech clause.

Of course, political speech does have a special claim to protection: a representative democracy would be nonsense without it. But there is both a practical and a theoretical objection to limiting protection to explicitly political speech. The practical objection is that other forms of speech could find protection if the speaker added the admonition that we pass a law on the subject, whatever it was. The theoretical objection is that speech is both valuable and unique, whatever kind of truth it seeks to discover and spread. There is thus reason to conclude that the protection of the speech clause extends to many other types of speech that express ideas.

On the other hand, the modern Court has gone wrong, in my estimation, by accepting as a major part of the speech clause's rationale the desire of the individual to find happiness through self-expression. This is, as noted, inconsistent with the fact that many other forms of happiness-seeking are not protected. The idea that speech is the preferred form of happiness-seeking is merely an intellectual-class bias. There is no ground in constitutional law or philosophy for supposing that the fulfillment obtained through, say, dealing in financial markets is inferior to the fulfillment sought in writing a novel.

Acting on the basis of the self-expression rationale, the Court decided that a young man could not be punished for wearing into a courthouse a jacket with words on the back urging, with a four-letter verb, that an implausible sexual act be performed on the selective-service system. "One man's vulgarity," the Court opined, "is another's lyric."

The same rationale also led directly to the Court's decision in *Texas* v. *Johnson* (1989) that the clause protects not merely what it addresses, "speech," but actions that express moods and attitudes, such as burning the American flag. The burner could have expressed his hatred for America in as many and as eloquent words as he could muster and have been protected by the true core of the speech clause. But his lawyer said that burning the flag was important because its offensiveness drew attention in ways that mere words would not. We must await the Court's reaction when somebody, on the same theory, decides to protest the laws relating to sex by engaging in indecent exposure.

More recently, the Court wrestled with the question of whether Indiana's general ban on public nudity could be applied to naked dancing in the Kitty Kat Lounge. The answer, in *Barnes* v. *Glen Theatre, Inc.* (1991), was that it could, but the astonishing fact was that eight Justices thought a First Amendment question was presented because nude dancing "expresses" eroticism and sexuality. The ninth, Justice Scalia, thought the First Amendment was not implicated, but only because the statute was of general application and not aimed at dancing in the altogether.

In general, pornography and obscenity can hardly be thought to lie at the center of the First Amendment, but efforts by communities to limit their spread have been frustrated repeatedly by appeal to the speech clause.

To be sure, in 1973, by a vote of five to four in *Miller* v. *California*, the Court seemed to allow some minimal control of pornography. It stipulated that three things had to be determined before pornography could be banned or its purveyors punished:

> (a) whether the "average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to the prurient interest . . . , (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Yet when Cincinnati prosecuted a museum for displaying Robert Mapplethorpe's photographs of one naked man urinating in the mouth of another and of himself naked with the butt of a bullwhip in his rectum, expert witnesses proclaimed that the pictures had serious artistic merit, and the jury acquitted. It is hard to imagine that the Supreme Court would have found fault with this verdict. In any event, *Miller* has done little to help communities that have been searching for some way to control the torrent of pornography that earlier decisions loosed upon them.

With regard to speech advocating violence and the violation of law, the Court has been no more helpful. This failure largely reflects the great influence of the famous dissents of Justices Holmes and Brandeis. The crux of their position was that such advocacy could not be punished unless there were shown a clear and present danger of success or imminent, serious harm. There is some doubt even about

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the provisos, for Holmes could bring himself to write, in *Gitlow* v. *New York* (1925), and Brandeis joined him, that,

> If in the long run the beliefs expressed in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance and have their way.

This, in a case where the defendant proposed violent action by a minority in order to impose a dictatorship. But why were the "dominant forces of the community" who wrote the law imprisoning Gitlow not permitted to have their way? How could Justices who six years earlier in *Abrams* v. *United States* voted to protect speech because thought should be tested in the "competition of the market" vote now to protect speech calling for violence to abolish the market? Berns sums up the matter neatly: "The only meaning of free speech turns out to mean that it is worse to suppress the advocacy of Stalinism or Hitlerism than to be ruled by Stalin or Hitler. The reasons for this are not, one might say, readily apparent."

The Holmes-Brandeis mood (it was hardly more than that) culminated in 1969 in *Brandenburg* v. *Ohio*, where the Court announced that

> the constitutional guarantees of free speech and press do not permit a state to forbid or proscribe advocacy of the use of force or law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

If we take seriously Brandeis's observation that speech assists the discovery and spread of political truth, however, it should be obvious that advocacy of force or the violation of law has no value. Such speech does not aim to convince a majority of a truth. Rather, it advocates violence or lawlessness to overturn the republican form of government which the Constitution embodies and guarantees to the states or to cancel the laws which legislative majorities have enacted.

The late constitutional scholar, Alexander M. Bickel, a staunch friend of the First Amendment, questioned the worth of the Holmes-Brandeis market metaphor:

> If in the long run the belief, let us say, in genocide is destined to be accepted by the dominant forces of the community, the only meaning of free speech is that it should be given its chance and have its way. Do we believe that? Do we accept it?

Bickel went on to ask

> whether the best test of the idea of proletarian dictatorship, or segregation, or genocide is really the marketplace, whether our experience has not taught us that even such ideas can get themselves accepted there.

The Brandeisian response would be that the cure for evil speech is good speech; yet to engage in debate about such ideas is to legitimate them, to say that they have their place in public discourse. As Bickel wrote, "Where nothing is unspeakable, nothing is undoable."

Bickel implicitly raised a difficult question. The advocacy of genocide, to use his example, would fall within the category of political speech, the core of the speech clause. It is preposterous, nevertheless, to suppose that those who wrote and ratified the First Amendment wanted every conceivable idea, no matter how vicious, to be proposed for a vote. The problem for judges is to draw a line between the ideas Bickel mentions and silly regulations, such as campus speech codes, that try to outlaw offensiveness. The courts have carved out exceptions to the protection even of political speech. Developments in an increasingly fragmented and angry society may force judges to rethink the legacy of Holmes and Brandeis.

Those who take the position that speech advocating violence, law violation, and forcible overthrow should be constitutionally protected often attribute their views to the Founders. But the fact is that the Founders held no such position. Jefferson and his followers took literally the amendment's statement that Congress should make no law, but they did so not on civil-libertarian grounds but out of a devotion to the sovereignty of the states. Even in the fierce debates that swirled around the Alien and Sedition Acts, the Jeffersonians' opposition to federal power was accompanied by the assertion that the states already had such laws. The Founders were clear that government had the right to punish seditious speech; they disagreed only about which government had the power to do it.

THE tendencies of the Supreme Court's unhistorical applications of the First Amendment are fairly clear. The late social critic Christopher Lasch asked what accounted for our "wholesale defection from standards of personal conduct—civility, industry, self-restraint—that were once considered indispensable to democracy." He concluded that though there were a great number of influences, "the gradual decay of religion would stand somewhere near the head of the list." Despite widespread religious belief,

> Public life is thoroughly secularized. The separation of church and state, nowadays interpreted as prohibiting any public recognition of religion at all, is more deeply entrenched in America than anywhere else. Religion has been relegated to the sidelines of public debate.

As religious speech is circumscribed in the name of the First Amendment, however, the Court—in the name of that same amendment—strikes down laws by which communities attempt to require some civility, some restraint, some de-

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cency in public expression. The Ten Commandments are banned from the schoolroom, but pornographic videos are permitted. Or, as someone has quipped about the notorious sculpture by Andres Serrano, a crucifix may not be exhibited—unless it is dipped in urine, in which case it will be awarded a grant by the National Endowment for the Arts.

The result of all this is an increasingly vulgar and offensive moral and aesthetic environment, and, surely, since what is sayable is doable, an increasingly less moral, less happy, and more dangerous society.

The Supreme Court should therefore revisit and revise its First Amendment jurisprudence to conform to the original understanding of those who framed and enacted it. Religious speech and symbolism should be permissible on public property. Nondiscriminatory assistance to religious institutions should not be questioned. Communities, if they so desire, should be permitted to prefer religion to irreligion. There is no justification whatever for placing handicaps on religion that the establishment clause does not authorize.

As for the speech clause, it should be read to apply to *speech*, not to nonverbal expression, and it should protect the dissemination of ideas, not the individual's desire for self-gratification. Would this allow for greater regulation of obscenity and pornography? Probably, though there will always be a professor around, and a judge or jury to believe him, that the purest pornography has redeeming artistic merit (just as, it must be admitted, there is always the chance that genuinely meritorious works will be banned). Perhaps, too, the flood of pornography has already changed community standards and habituated us to an environment that would once have seemed unacceptable. Perhaps it is too late, perhaps there is no way back. But the Court ought not to prevent communities from trying to find one.

Finally, the wholesale protection of the advocacy of violence and law violation—a judicial construct not grounded in history—should be rescinded. The effects of incitements to violence will often be unknowable; nor need they be imminent to be dangerous. If, for example, speakers incite racial hatred and advocate violence against another race, as happens all too often nowadays, those utterances may well lead to actual violence, but it will be impossible to prove a direct connection to the speeches.

The rule of *Brandenburg* also contemplates judging the effect of each particular speech. Yet even though no individual speech may have the effect of producing violence, cumulatively such speeches may have enormous influence. Whether or not it is prudent to ban all such advocacy is a different question, one that should be addressed by legislatures and prosecutors rather than courts. There is no good reason to put advocacy of violence and law violation in the marketplace of ideas.

How much chance is there that the Court will undertake such sweeping reforms? Not, it would seem, a great deal. The Court, particularly when it deals with the Constitution, and more particularly when it deals with the First Amendment, is as much a cultural and political institution as it is a legal one. It has always responded to dominant class values, and in our day that means the cultural elite: academics, clergy, entertainers, journalists, foundation staffs, bureaucrats, and the like. These folk tend to be hostile or indifferent toward religion and to sanctify the autonomous individual as against the community—precisely the attitudes underlying contemporary First Amendment jurisprudence.

That having been said, it must also be recognized that there have been strong dissents to the modern decisions, particularly to the decisions deforming the religion clauses. It is entirely possible, therefore, that we may at least expect piecemeal improvements, especially given the more conservative climate that was reflected in the 1994 elections.

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If This Be Peace . . .

David Bar-Illan

In the euphoria following the Rabin-Arafat handshake on the White House lawn, opponents of the agreement negotiated in Oslo with the PLO compared Israel to the proverbial man jumping off the Empire State Building. "How are you doing?" he is asked as he passes the 97th floor. "So far, so good," he replies.

Israel is still a fair distance from the pavement of the peace process's "final status," but even the most enthusiastic supporters of the accord are no longer extolling the fresh air en route. For almost everything that could have gone wrong has done so.

At first, the government of Prime Minister Yitzhak Rabin had good reason to assume that the Oslo agreement would gain broad popular support. Israelis were tired of daily *intifada* news, of stabbings on the streets of Jerusalem and Tel Aviv, of televiewing their teenage sons chasing stone-throwing Arab teenagers in Gaza, of world censure, and of long, disruptive, and costly stretches of reserve duty. The agreement with the PLO promised to end all that in exchange for "the territories," and to many Israelis, perhaps a majority, it seemed like an acceptable deal.

True, Israelis are generally more politically aware and security-conscious than most Westerners; but this time, when it came to the *long*-range dangers of relinquishing strategic territory, only few were worried. The expectation of relief from terrorism far outweighed any geostrategic considerations. Indeed, the agreement seemed destined to fulfill the promise of the Labor party's most successful slogan in the 1992 elections: "We'll get Gaza out of Tel Aviv."

If disillusionment eventually set in, if polls showed steadily diminishing support for Labor and an advantage to the Likud leader Benjamin Netanyahu over Yitzhak Rabin in a head-to-head race, it was not because the population suddenly recognized the strategic risks of forfeiting Judea and Samaria, but because in the sixteen months since the handshake the state of personal safety deteriorated. Over 100 Israelis were killed and hundreds more wounded by terrorists in those sixteen months—more than in any equivalent period since the establishment of the state.

Yet not even these figures were fully indicative of the rise in the number and lethality of terrorist activities. Were it not for sheer luck—and the blessed incompetence of the terrorists—the casualties would have been much greater. At least five suicide bombings (including the one on Christmas day in Jerusalem), each of which could have caused the death of 50 to 100 Israelis, failed, while only a few of the shootings at moving vehicles—an almost daily occurrence—resulted in injury or death.

To combat the corrosive effect of this terrorist activity on public support, the Rabin government has tried to distinguish the terrorists from Yasir Arafat's Palestinian Authority (PA), which now runs Gaza and Jericho. Terrorists are portrayed as "enemies of the Oslo agreement" (and therefore "enemies of peace") who belong to the militant Islamic organizations Hamas and Islamic Jihad. It is a characterization that has become the conventional wisdom worldwide, and it is parroted by the American media, by Clinton-administration officials, and by the President himself.

The Palestinians have thus been divided into the good kind—Arafat and his secular forces—and the evil religious fanatics who still call for "armed struggle" and Israel's destruction. Indeed, whenever they refer to terrorist incidents, Rabin and his Foreign Minister, Shimon Peres, invariably insist that since the PA has established itself in Gaza and Jericho, virtually none of the terrorists has been a member of the PLO.

This is not quite accurate. In the last six months of 1994, in gross violation of his commitment under the agreement, Arafat's wing of the PLO—Fatah—carried out at least twelve terrorist attacks, including the murder of eleven fellow Palestinians accused of "collaboration." The PFLP and the DFLP, also members of the PLO, have claimed responsibility for three additional terrorist attacks.

Arafat has also failed to keep several other commitments he made in Oslo: to discipline PLO members who engage in terrorism; to pursue,

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apprehend, and extradite terrorists to Israel; to refrain from hiring fugitive terrorists as policemen; and to condemn terrorist attacks explicitly. In addition to all that, Farouk Kaddoumi (who, in another violation of the agreement, has appeared at the UN as the "Foreign Minister of the State of Palestine") consistently and openly calls for the continuation of the "armed struggle."

Nor has there been any effort on Arafat's part to keep his commitment to convene the Palestine National Council (PNC) for the purpose of changing the PLO charter, which calls for the dismantling of Israel. The map on the PLO emblem still shows all of Israel included within the state of Palestine.

How much of the division between the Fatah "good guys" and the Hamas villains is a result of wishful thinking became clear when the Palestinian police (whose size, now 12,000, exceeds by one-third what was agreed on in the accord) conducted graduation exercises for new recruits in Jericho. The slogans they shouted hailed the coming "liberation," not only of Jerusalem but of Haifa, Beit She'an, and Ashdod, all in "green-line" (i.e., pre-1967) Israel.

Another example was a much-publicized incident in December. An Israeli reserve soldier who made a wrong turn into the center of Ramallah, an Arab town abutting Jerusalem, was savagely assaulted by a lynch mob. Only the arrival of an Israeli border-police unit, summoned by phone, saved his life. The scene, documented by Palestinian photographers and video cameramen (none of whom lifted a finger to help the victim) was shown on television. Without waiting for verification, the Israeli media described the assault according to the politically-correct script: the would-be murderers were inflamed Hamas youths, and the person who summoned the police was a member of Fatah. Only days later was it revealed that, with one lone exception, the dozen or so attackers who could be identified from the press photographs and arrested were known members of Fatah. One suspect escaped to the Palestinian Authority zone in Jericho, where he found shelter. The caller who summoned help was not a Fatah member but a merchant who worried that murder in the town square would cause a prolonged curfew. To put a final touch on the incident, Fatah distributed a communiqué threatening the Palestinian photographers with retribution for taking the damning pictures.

This is not how Rabin and Peres envisioned the fight against terrorism. Soon after Oslo they gleefully predicted that Arafat would go after the terrorists "without the constraints of human-rights organizations and the Supreme Court," as Rabin put it. Or, as the more practical Peres said, "Why in heaven's name should we chase after the terrorists? Let the PLO do it." But it soon became clear that Arafat had no intention of becoming what his associates term the "General Lahad of Gaza"—an allusion to the commander of the Shiite-Christian South Lebanon Army which cooperates with Israel in guarding the "security belt" there.

The notion that the PLO would conduct a civil war against the Islamic movements so that the "peace process" could proceed smoothly was illusory to begin with. Both parties still consider the dismantling of Israel their ultimate goal, and as Arafat himself has consistently made clear from the moment he signed the Declaration of Principles on the White House lawn, only tactics separate him from Hamas and Islamic Jihad. Addressing "the Palestinian people" on Jordan television on the very day of the signing, September 13, 1993, Arafat never mentioned peace with Israel or the cessation of terrorism. But he did say that the Declaration of Principles was the first step in the PLO "plan of phases" of 1974.

That plan, born after the Yom Kippur war of 1973 (which convinced the Arabs that Israel could not yet be conquered in a frontal attack), proposes that the PLO "establish a national, independent, and fighting government over every part of the soil of Palestine to be freed" (Article 2). Then, "After its establishment, the national Palestinian government will fight for the unity of the countries of confrontation, to complete the liberation of all the Palestinian land and as a step in the direction of overall Arab unity" (Article 8).

Since September 1993, Arafat has repeatedly referred to the "1974 plan" in his speeches to Arab audiences. Whether or not he actually believes that Israel can eventually be dismantled is immaterial. He knows that he cannot command the allegiance of his constituency unless he incites to violence and preaches Israel's destruction. He must promise, albeit more subtly, what Hamas promises: that the armed struggle to liberate all of Palestine will continue until final victory.

This does not mean that Arafat and Hamas will not clash in a power struggle, as they did last November. The Hamas leaders use Arafat's agreement with Israel as a pretext to brand him a traitor. The PLO's recognition of Israel, they say, has enabled Israel to make inroads in the Arab world and gain international approval. But they also exploit the rampant corruption, high-handed arbitrariness, and hopeless disorganization of the Arafat regime.

Indeed, life in Gaza is more miserable and hopeless than ever. The standard of living is 25-percent lower than when Israel left in May. At least a third and possibly half of the labor force is unemployed. Work in Israel—when lifting the closure against terrorism makes it possible—is scarce. At best, only a few thousand cross the Erez check-post to the green line—nowhere near the 100,000 who used to find employment in Israel before the *intifada*.

The government believes that it can help the

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PLO defeat Hamas by pouring money into Arafat's coffers. This is what Peres has been preaching for more than a year. With enviable zeal, he and his emissaries have been trying to drum up grants, loans, and investments for the PA. Rich American Jews, European conglomerates, and Saudi business tycoons have all been approached with a plea to make the peace process work by aiding the Palestinian economy.

But it is naive to suppose that the Arab-Israeli conflict can be reduced to economic terms. The religiously and nationalistically inspired intolerance in the Arab world of Israel's existence does not stem from economic hardship. Nor is it true that only poverty and ignorance can breed the kind of hatred which produces suicidal bombers. Most of the Hamas and Jihad leaders are intellectuals, professionals, and teachers whose backgrounds are decidedly not disadvantaged. The suicide killer who caused the death of three Israeli army officers in Netzarim was a well-educated member of an upper-middle-class family.

Nor can conditions in Gaza be blamed for the phenomenon of Islamic militancy, which, after all, plagues the Muslim world from the Atlantic to the Indian Ocean. To assume that it will disappear with the improvement in Gaza's standard of living is grossly to underestimate the power and seduction of religious fervor. If anything, a more buoyant economy may make the fanatics more dangerous.

THAT Peres believes in a financial solution is hardly surprising. For the past decade he has been driven by a vision of a Middle East Marshall Plan. He clearly hopes that what worked for war-torn, devastated Europe after World War II will work for the war-torn Middle East of today. But to expect such a plan to bear fruit in the religiously fanatic, hopelessly corrupt, ethnically riven, anti-democratic, and anti-Western Middle East is to ignore the simple realities of life.

Pouring money into the Palestinian Authority seems particularly futile at this point, because Arafat—though a Nobel laureate touted by heads of government and the world community as the only Palestinian leader acknowledged by all his people—is now seen as a mortal enemy by a large minority, if not a majority, of Palestinians.

In a *New York Times* story of December 3, 1994, Youssef Ibrahim reports that the new graffiti in Gaza, painted on walls whitewashed at the cost of over $3 million only two months before, rarely mention Israel. "The villain is Mr. Arafat," writes Ibrahim, "and his armed Fatah militia and police force, who are denounced over and over again as 'killers of Palestinians,' 'bats of darkness,' and 'Israel's loyal servants.' "

In Gaza's "war of the demonstrations"—mass rallies intended to show force and following—Hamas has been an easy winner over the PLO. A gathering to mark Hamas's seventh anniversary in December, in which the main attraction was a televised reenactment of the kidnapping-murder of Corporal Nahshon Wachsman, drew a cheering crowd of 50,000 to 80,000. Fatah barely mustered 10,000 to attend any of its rallies. (Newspapers which reported numbers at Hamas demonstrations larger than the Fatah estimate of 5,000 were banned by the Palestinian police.)

Arafat's weakness is reflected in his administration, too. Most of his coalition partners have quit. It is not only the Islamic militants who now oppose him, but the Communists, the Jordan-affiliated bureaucrats, the Syrian-supported rejectionists, and most of the PLO factions, including even elements of his own Fatah.

One of the purposes of the Islamic terrorist activity is to gain popularity in the Palestinian street, where the heroes have always been those who kill Israelis. This is also why Fatah cadres are becoming increasingly restive. They have discovered that attacking Israelis is infinitely more popular than running the education system or managing tourist offices.

To keep them happy, Arafat has rearmed and reorganized the "Fatah Hawks," resulting in what Israel's chief of army intelligence, Major General Uri Saguy, has called the Lebanonization of Gaza. With Hamas, Islamic Jihad, Fatah, PFLP, and DFLP all armed and acting independently of the Palestinian police, the days of the Lebanon militias are back—this time 30 miles from Tel Aviv.

For now, though, there is a symbiotic relationship between the rejectionist factions and the Palestinian Authority, who share the immediate goal of getting Israeli troops out of Arab population centers in Judea and Samaria, as stipulated in the Oslo accord. For Arafat, the Islamic terrorists serve a function similar to that which the Hezbollah in Lebanon fulfills for Syria: it is the shooting arm which complements the negotiating arm in his relations with Israel.

The practice is one that dictatorial regimes often adopt. Since democratic opponents are vulnerable to internal pressures, especially once a general decision to withdraw has been made, the surest way to force them to make concessions and accelerate their retreat is by inflicting casualties. As President Hafez al-Assad of Syria put it during the Israeli withdrawal from Lebanon: "I want the Israelis to see at least one funeral a day on their TV."

The only difference between Hezbollah and Hamas is that while the former is fully controlled by Assad and dependent on him, the latter only has a loose tacit agreement with Arafat which assures it of a free hand in areas controlled by Israel—that is, so long as it does not embarrass Arafat by operating from the PA zones of Gaza and Jericho. Arafat would like to control the dosage of terrorism: enough of it to cause pressure to withdraw, but not enough to turn the Israeli public against the agreement. But since by its very nature Hamas depends on the fanaticism of its

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followers—suicide bombers are not given to considerations of *Realpolitik*—the chances are against Arafat's being able to calibrate their activities.

AT FIRST glimpse, it seems foolish for either Arafat or Hamas to continue with terrorist activity, which can create second thoughts in Israel about withdrawal from Judea and Samaria. But the notion that terrorism pays has been reinforced by several Israeli government ministers, who have responded to it by calling for the evacuation of the more isolated settlements, and by Deputy Foreign Minister Yossi Beilin, who at the beginning of December came out in favor of skipping the interim period altogether and proceeding to "final-status" talks.

This is precisely what the PLO wants, for in the interim period all Israeli settlements are to stay in place and the Israeli army is charged with their safety. To secure the settlements, alternate roads, whose completion may take a year or two, will have to be built. This arouses the suspicion among the Palestinians that Israel does not really intend to leave at all. The Palestinians would thus rather start talking of permanent Israeli departure now. But Rabin, reflecting the current mood of the majority in the government, is still unwilling to risk skipping the interim period.

In fact, questions are now being raised even about the evacuation of Israeli troops from Arab population centers, as required by the agreement. The army worries that confrontations, clashes, and terrorist acts will increase dramatically when such an evacuation takes place. As Major General Danny Rothschild, the outgoing chief negotiator and coordinator of activities in the territories, has put it, "Judea and Samaria are more politically complex than Gaza, and given Arafat's track record, he will find it difficult to establish authority there." What this means is that once the army forfeits control of the Arab centers, the armed Palestinian militias (weapons are now sold freely in all West Bank towns) will take over, and every Arab town and village in Judea and Samaria will become a terrorist base.

The general perception, reinforced by government pronouncements, is that the evacuation will endanger only the 130,000 Jewish residents of Judea and Samaria. But the truth is that Israelis inside the green line will be as threatened by such a move as those who live beyond it. As terrorist attacks in the past year should have made clear, Afula and Tel Aviv are just as vulnerable to terrorism as the most isolated road in Judea. If anything, the settlers' constant vigilance makes them less likely victims.

It is this development that Beilin and others in the government think they can avoid by going to "final-status" negotiations at once. They are convinced—as they were when they formulated the Declaration of Principles—that peace will come if a Palestinian state is established in Judea, Samaria, and Gaza with half of Jerusalem as its capital. The Director General of the Foreign Ministry, Uri Savir, another architect of the Oslo agreement, has said that it would be better to have a sovereign democratic Palestine as a neighbor than an ambiguously defined, restive autonomy. Presumably, once the process is finished and the Palestinian state is happily in place, it will suppress Hamas (which, according to this scenario, will anyway fizzle for lack of a cause) and join with Israel in the regional common market envisioned in Peres's "New Middle East."

But the entire picture is further complicated by the perseverance and determination of the Jewish residents of Judea and Samaria. At first, Rabin and his colleagues hoped that many of the settlers, faced with government neglect and daunted by the difficulties of living in dangerous areas, would drift away. This would spare the government the need to dismantle the mostly well-established communities. But the opposite has happened. The expansion of Jewish towns and villages in Judea and Samaria may not be proceeding at the pace of the Likud years, but settlements have continued to grow steadily under Labor. The demand for housing is greater than the supply, and if the government decides to allow the habitation of "frozen" apartments, the number of settlers will grow even more rapidly.

Considering that half of the residents of Judea and Samaria are not there for ideological reasons but in search of a better quality of life, and that the transfer of authority over the area to the PA is imminent (excepting the settlements themselves and the roads leading to them), this determination to stay is puzzling. But it does force the government to wonder how easy it will be to get the settlers out by force.

None of these developments is conducive to sweeping optimism. At best, Rabin now expects a long period of negotiations in which a magic formula can be found for maintaining security for Israel while relinquishing control of Judea and Samaria to the Palestinians.

IN AN effort to bolster the national mood—and its own standing in the polls—the government points to the "fruits of peace": the diplomatic triumphs which have resulted from the Oslo agreement. Not only has Israel become popular in formerly unfriendly countries, it has established peace with Jordan and embryonic diplomatic and commercial ties with Morocco, Tunisia, and some of the Gulf emirates. Even the largest Muslim nation—Indonesia—has entertained Rabin and discussed trade.

Yet the effect of such diplomatic triumphs on the public is short-lived. The signing of the peace treaty with Jordan, with President Clinton's participation, was an impressive ceremony which gave Rabin an eight-point boost in the polls. But two weeks later, following two terrorist incidents, he was trailing Netanyahu again. That they can

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now visit Amman and Petra without risk obviously matters less to Israelis than the safety of a girl waiting for a bus in Afula.

It is claimed that the treaty with Jordan—a move popular with a vast majority of Israelis—could not have been signed had there been no Oslo agreement. But this is by no means clear. True, Israel's recognition of the PLO, demanded by all Arab countries as a *sine qua non*, helped Jordan's King Hussein overcome fears of Arab ostracism. But, as Hussein himself pointed out, there was also the matter of Jordanian national interest. The Jordanian economy is in desperate straits. Having alienated the Saudis and the Gulf emirates by aligning itself with Saddam Hussein, and having had to absorb 250,000 Palestinian refugees from Kuwait after Saddam's defeat, Jordan cannot survive without American help. The administration, and particularly Congress, would have found it difficult to extend such help had the Jordanians not made peace with Israel.

If the Oslo agreement served as a catalyst, it was not because it met Arab conditions by recognizing the PLO but because King Hussein—like every other intelligent observer—realized that the unhindered implementation of the agreement would inexorably lead to a Palestinian state on his doorstep. With the vast majority of his kingdom's population being Palestinian, the threat to the Hashemite throne from a neighboring Palestinian dictatorship is self-evident.

Israeli leaders may like to talk of a confederation between Jordan and Palestine—or, better still, a Benelux-like union which would include Israel—but Hussein has not survived every other Arab ruler by being addicted to pipe dreams. If anything points to his real concern, it was his unprecedented invitation to Benjamin Netanyahu to come to Amman within a few weeks of the signing ceremony, a move which enhanced Netanyahu's standing in Israel. For ever since Jordan lost Judea and Samaria in 1967, it has counted on Israel to prevent the establishment of a Palestinian state. And until 1992 all Israeli governments were unequivocally opposed to such a state. But the Oslo agreement has changed all that. It is possible, then, that the Jordanians see a prospective Likud government, unwavering in its commitment to preventing the establishment of a Palestinian state, as their best guarantee against a repeat of the "Black September" coup attempted by the PLO in 1970, only this time mounted not by an organization but by a sovereign state.

Another factor which may have entered into Hussein's calculations is that Syria is in a predicament similar to his. Damascus, too, needs American good will. It is in this area rather than in the military sphere that the demise of the USSR has changed the Middle East equation. Syria can buy all the weapons it wants—long-range missiles, modern tanks and fighter jets, and unconventional weapons—from North Korea, Russia, and China. And, indeed, it has built up a military machine which—at least quantitatively—surpasses Israel's. But lacking Iraq's and Iran's major oil resources, it cannot ensure round-the-clock electricity in Damascus without Western cooperation.

This is why Assad did not try to prevent Jordan from making a separate peace with Israel, as he did in 1985, when King Hussein made overtures to Jerusalem. At the time, a series of Syrian-sponsored terrorist attacks against Jordanian officials and institutions—in Jordan and in other countries—put an end to these overtures.

CLEARLY, Syria's "strategic decision" to make peace with Israel is directed at the U.S. Those billboards in Damascus which hail Assad as a peacemaker and which so impress visiting Americans never mention Israel. Nor has Assad agreed to promise full normalization of relations with Israel in exchange for the Golan Heights—which, as the American negotiators have been assured by Rabin, Israel is willing to give up. If Assad does agree to promise the kind of peace Israel demands—full diplomatic relations, free movement of people and goods across open borders, and normal cultural and commercial exchanges—it will be only if and when he attains the kind of American assistance he expects.

That Assad is not at all eager to build Israeli confidence has been obvious since the negotiations began. He reneged on his promise to Clinton to condemn terrorism in their press conference in Damascus. And he has continued his proxy war against Israel through Hezbollah and the ten anti-Israel terrorist groups headquartered in Syria. Radio Al-Quds, run from Damascus by the Jibril terror group, broadcasts unbridled incitement to the Palestinians in the "occupied area"—a term it applies not only to Judea, Samaria, and Gaza but to all of Israel. One of Hamas's most dangerous leaders, Mousa Abu Marzouk, who disappeared from the U.S. as soon as the organization's activities in America were exposed, has established his headquarters in Damascus.

Syria has also promoted and honored men involved in the 1986 attempt to plant a bomb on an El Al flight in London. The mastermind of the operation was the then-head of Syrian air-force intelligence, Muhammad Khouly, who soon after lost his job and disappeared from public view. At the time, the dismissal was seen as a sign of Assad's dissatisfaction with such terrorist ventures, and as an effort to dissociate himself from the London crime. But this past December Khouly was appointed head of the Syrian air force, and two other Syrians implicated in the bombing plot and expelled from Britain were also promoted to key positions.

The Rabin government knows that it will not be easy to sell the public, war-weary as it may be, a deal with Syria that would require relinquishing

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the Golan to an unregenerate dictator who makes no secret of his territorial ambitions over all of Israel, which he considers part of "greater Syria." Even Peres, who expressed Pollyannaish optimism about the "sensational" changes in Damascus soon after the Labor government took office in 1992, seems to have developed doubts about the nature of peace with Syria.

Thus, last October 4 in Washington, after presenting his vision of a comprehensive peace in the Middle East, he was asked by Barry Schweid of the AP, "If there is going to be peace, why is Israel interested in early-warning systems and U.S. troops on the Golan?" Why indeed? If peace is to reign—which is the premise on which the idea of Israel's relinquishment of the Golan is based—there is no need for troops and early-warning systems on the Heights. But if true peace is not assured, there is no reason for Israel to withdraw.

Peres did not reply that American troops would be needed only temporarily, until it became clear that Syria was living up to its commitments to normalize relations with Israel, reduce the size of its army, and demilitarize the Golan and the area abutting it. Instead, he repeated what *opponents* of withdrawal from the Golan have been saying ever since the Rabin government embarked on its present course:

> The new danger [*sic*] does not annihilate old ones. There is still a possibility of conventional wars. You still need—and you know, not everyone joined in my vision. There may be somebody else in Syria that didn't notice the change, and they can again employ tanks and planes. We must be careful. We have so many old-fashioned people living around us that you must have also old-fashioned answers to stop them from doing mistakes.

But this is tantamount to saying that a peace agreement with Syria is meaningless. Such an agreement may not bind the "somebody else in Syria" who, being old-fashioned, refuses to recognize the advent of Peres's "new Middle East." And this is assuming that only "somebody else" might break the agreement, and that Assad himself has become a born-again man of honor who, after violating every pact he has ever signed, would now live up to his treaty with Israel.

EVEN Shimon Peres, then, recognizes that relinquishing the Golan is a high-stakes gamble. To hedge its bet, the Rabin government wants American troops there. But no sober observer can suppose that an American military presence can serve as a trip-wire and deter the Syrians.* According to the CIA, it was Damascus which was directly responsible for forcing the evacuation of U.S. peacekeepers from Beirut in 1983, at the cost of 241 Marines killed by one Islamic suicide bomber. More recently, the telecast of only a single American soldier being dragged through the streets in Somalia played a major role in getting U.S. peacekeepers out of Africa.

It is all too easy to envisage a scenario in which the American public would similarly demand the return of U.S. troops from the Golan. A few casualties inflicted by Syrian-sponsored "terrorists" (whom Damascus would publicly disavow) would suffice. Instead of serving as a trip-wire for American intervention, American casualties would poison American-Israeli relations.

The Israel government likes to dismiss these problems as historically insignificant hurdles on the way to a European Union-like peace in the Middle East. (Yet, paradoxically, Rabin also keeps saying that the only solution to the Israeli-Palestinian conflict is total separation between the two peoples.) What matters, the government insists, is that the world now approves of Israel and that the flags of Arab countries will soon be flying over their embassies in Israel. Yet if this does happen, it will be a direct consequence of Israel's willingness to do what the Arab regimes and the world community have wanted it to do for 27 years: retreat from all the "occupied territories" and return to the 1949 armistice lines.

The trouble with this is that, once Israel is back behind those untenable lines, the "old-fashioned people living around us," as Peres describes them, may mount an old-fashioned war. Israel will then have to defend itself from a position of inferiority. At that point, the presence of Arab embassies in Tel Aviv will be of no help at all.

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* For a fuller discussion, see "U.S. Forces on the Golan Heights?: A Special Report," in the December 1994 COMMENTARY.—ED.

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Clintonism Abroad

Joshua Muravchik

IN THE weeks just before the November 1994 elections, public-opinion polls registered a slight rebound by the Democrats, although it turned out to be fleeting. The rally tracked a small but noticeable upswing in President Clinton's popularity, which in turn was traceable to a rise in confidence in his handling of foreign affairs. And indeed, his administration had recently strung together three apparent foreign-policy successes. North Korea had agreed to freeze and eventually dismantle its nuclear-weapons program. The military rulers of Haiti had given way to an American occupation without firing a shot. And Iraq's elite forces had reversed their march toward the Kuwaiti border.

Clinton thus discovered, as had so many occupants of the White House before him, that there is nothing like a success abroad to make a President look presidential. For a while there was even talk that in his second two years, Clinton would be the foreign-policy President.

This development is rich in irony. Clinton's immediate predecessor, George Bush, had been criticized for being overly preoccupied with foreign affairs, and in his race against Clinton he had put it about that, if given a second term, he would become the domestic-policy President. But Clinton had held him at bay, guiding his own campaign with the dictum, "the economy, stupid." Now, halfway into Clinton's term, the economy was chugging along at a healthy rate, and Clinton had for two years devoted himself assiduously to his domestic agenda. But the voters seemed quite disillusioned with him. Hence the sudden turn toward world affairs.

To advance this new tack, Clinton embarked on several high-profile visits to foreign countries. But the foreign-policy gambit did not save his party from a stinging defeat in the 1994 election. Nor will it, as now constituted, salvage Clinton's presidency. For it is not enough for a President to stand at the helm of the ship of state; he must also have a sound set of goals, strategies, and tactics by which to steer it.

In the 1992 campaign and his first months in office, Clinton spoke of a foreign policy based on three pillars: restoring prosperity; modernizing the military; and promoting democracy. But on closer examination, this was less than met the eye. Building prosperity is a goal of every President, and moreover it is mainly an aspect of domestic policy. Listing it as the first pillar of his foreign policy was thus another signal of the primacy Clinton intended to give to domestic affairs. Modernizing the military also turned out to be nothing more than a euphemism for slashing the defense budget in order to free funds for domestic projects. Promoting democracy is a worthy and important goal, but not enough in itself to make a foreign policy—and the steps that would be required to achieve this goal were mostly left vague.

Still, however shaky these pillars, the themes of prosperity and democracy have in fact informed Clinton's foreign policy on the two issues on which it has shown the most coherence: trade and Russia. Clinton has fought successfully for the passage of the North American Free Trade Agreement (NAFTA) and the new GATT treaty; and he has worked to bolster democracy in Russia through foreign and diplomatic aid. Yet in both these areas (as well as in the Arab-Israeli peace process), Clinton's policies were continuous with those of the Bush administration, and (despite some vocal opposition to NAFTA) they enjoyed broad bipartisan support in Congress.

Is there, then, anything distinctive about Clinton's approach to foreign policy? I think there is, and it, too, may be described as resting on three pillars, if not the same ones enunciated in Clinton's campaign. The first is a kind of general aversion to getting involved in foreign entanglements for fear that they will distract from domestic concerns. The second is a relentless subordination of foreign policy to domestic politics. The third is made up of the remnants of 1970's liberalism, a set of attitudes and values that has survived the discrediting of a once-confident ideology.

CLINTON and his team decry isolationism in their speeches, and over the issue of free trade they have done battle with overt isolationists like the columnist Patrick J. Buchanan. But while pure-and-simple isolationism remains outside today's political mainstream,

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a watered-down version holds renewed appeal. It takes the form of a relative lack of interest in foreign policy on the grounds that reforming health care or cutting taxes or investing in domestic programs deserves the lion's share of our energies, attention, and resources. Bill Clinton has encouraged this spirit, indeed exemplified it.

The Bill Clinton who campaigned on "the economy, stupid," announced soon after his victory that he intended to "focus like a laser" on economic issues. The implications of this were spelled out, albeit too bluntly for the administration's liking, in a widely reported news briefing by Peter Tarnoff, Under Secretary of State for Political Affairs. "We simply don't have the leverage," he said, "we don't have the influence, we don't have the inclination to use military forces, we certainly don't have the money" to respond to the kinds of crises that will characterize the post-cold-war era.

Tarnoff's pronouncement was disowned by the White House, but he was not fired or demoted: all he had done, after all, was to put a gloss of theory on Clinton's own instincts. As the Bosnia issue grew nettlesome, for example, Clinton declared: "I don't want to have to spend any more time on that than is absolutely necessary, because what I got elected to do was to let America look at our own problems."

The same thought with a sharper political edge was expressed on another occasion, again by Tarnoff and also Timothy Wirth, Under Secretary of State for Global Affairs, when they apparently assumed they were speaking in private. At a State Department luncheon, the Nobel laureate Elie Wiesel admonished the two officials about the need for stronger action in Bosnia. While they did not demur from his descriptions of the horrors being perpetrated by the Serbs against the Muslims in Bosnia, Tarnoff replied that unsuccessful involvement there "would destroy the Clinton presidency," and Wirth honed the point by explaining that any forceful action would endanger "the fragile liberal coalition" that Clinton represented.*

Accordingly, Clinton has sought responses to the Bosnian crisis that would help him avoid or postpone decisive action. First, the administration announced that it was throwing the "weight of American diplomacy" behind the Vance-Owen negotiations. When these foundered on the shoal of Serb intransigence, the administration went through the motions of seeking allied support for military action, but appeared relieved when this was not forthcoming. Clinton then quickly fell in behind a Russian proposal to declare "safe areas" as refuges for Bosnia's Muslims. At the same time, his administration began to talk down the problem: Bosnia was a "humanitarian crisis a long way from home, in the middle of another continent," said Secretary of State Warren Christopher. As the Serbian war on civilian Sarajevo grew intolerable to American public opinion, however, the administration reengaged, threatening air strikes. Yet over the next year and a half such threats were repeatedly scorned by the Serbs, and not a single earnest strike was ever carried out. Meanwhile, the U.S. joined Russia, Britain, France, and Spain in forming the "contact group" which mapped a proposed settlement and offered it to the parties on a take-it-or-leave-it basis. Six months after the Serbs rejected this, the administration tried to use the mediation of Jimmy Carter to inaugurate still another diplomatic round more accommodating to them.

THE same penchant for postponement has also guided the administration's response to the issue of enlarging NATO. When the newly independent states of the former Warsaw Pact—Poland, the Czech Republic, and Hungary—sought entry into NATO, the administration was initially sympathetic, but it reversed course when told that this would inflame Russian nationalism, thereby weakening the position of democrats like President Boris Yeltsin.

As an alternative, Clinton invented the "Partnership for Peace," a new institution open to all the former Communist states (including Russia). This scheme was intended as a means of blunting the drive for NATO expansion, but protests from East European capitals and from their sympathizers in the press and Congress compelled the administration to elaborate procedures by which the Partnership could become a way station on the path to NATO membership. The ultimate outcome has been pushed years into the future.

The same can be said about the crisis over North Korea's nuclear program. Although the President at first said that Pyongyang's acquisition of a nuclear weapon would be unacceptable, he backed down when the CIA revealed its assessment that North Korea already had one or two warheads. Instead, he struck a deal with North Korea (initiated by Jimmy Carter) that postpones for five years the fulfillment of its obligation to comply with the rules of the International Atomic Energy Administration, and puts off for ten years the dismantling of its existing, *known* nuclear weapons facilities.†

Meanwhile, the North Koreans can break out of the deal at any time, or, perhaps more likely, cheat on it piecemeal and then demand new concessions in return for fulfilling prior obligations. Even in the unlikely event that the deal is honored, we have set an ominous precedent by paying a $5-billion bribe (in the form of oil supplies and "peaceful" nuclear reactors) plus diplomatic

* This exchange was reported in a paper written by Richard Johnson, a lower-echelon State Department official who had served as Yugoslavia desk officer and who was present at the lunch. When Johnson's paper was leaked to the press, the *Washington Post* said that it had found an additional source to corroborate his account of the conversation.

† A joker in this deck is whether North Korea could have other nuclear facilities of which we are unaware, as Iraq turned out to have.

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inducements to a rogue state in exchange for its agreeing to cease flagrant violation of the nuclear-nonproliferation regime. The implications mock Clinton's claim that he has "made nonproliferation one of our nation's highest priorities."

Sometimes postponing problems can be harmless or even beneficial, but sometimes it makes them worse, as Clinton demonstrated in his handling of China's trade status. In the campaign, Clinton had accused Bush of "coddling" China's dictators, and he supported the efforts of congressional Democrats to link renewal of China's designation as a Most Favored Nation (MFN) to a reduction of human-rights violations by Beijing. The renewal was due four or five months after Clinton took office, facing him with a conflict between his attachment to free trade and his commitment to promoting democracy.

His solution was to issue an executive order extending MFN for a year but requiring China to demonstrate a better human-rights record in seven specific areas before MFN would be renewed again. Clinton declared his "resolute insistence" on these conditions, but the Chinese volubly asserted their refusal to comply, and Clinton caved in. This humiliation of the U.S. could have been avoided had Clinton resolved the issue, on whatever terms, a year earlier.

CLINTON has spoken of the need to "tear down the wall in our thinking between domestic and foreign policy," and his Secretary of State has said that "President Clinton and I have placed economic policy at the heart of our foreign policy." But there is something askew about this. Foreign policy may from time to time serve economic goals, but the basic purpose of foreign policy is to preserve our security and freedom—goods for which we must generally spend some of our material wealth. Foreign policy is not a way to make money, but a way to secure things more precious than money.

Sometimes economic interests collide with other goals, as in the issue of MFN for China. In that case, Clinton favored economics so decisively over human rights that Holly Burkhalter, Washington director of the liberal group, Human Rights Watch, commented: "In terms of 'coddling' China, he went much farther than President George Bush ever did."

Clinton's emphasis on economics has led him to scant not only human rights but also national defense. As a candidate, he had pledged to cut $60 billion over five years from Bush's projected defense budget (which itself continued a sharp downward trend in real defense spending that began after 1986, the height of the Reagan build-up). Once in office, however, Clinton in his first budget doubled that defense cut to $120 billion in order to achieve deficit reduction while avoiding any net decrease in domestic spending.

The effect has been both to shrink American forces and to lower their readiness for combat. At first the administration announced that it was scaling back forces to levels adequate to fight one-and-a-half wars instead of the previous standard of two wars (for example, in Korea and Iraq). In the face of protests, the administration announced that it was reinstating the two-war standard, but it soon inserted a fudge phrase. The official doctrine now was that we would maintain forces capable of "winning any two major regional conflicts nearly simultaneously." Deputy Secretary of Defense John Deutch recently made the meaning plain when he confessed that "I hide behind the words 'nearly simultaneously.' "

As for readiness, in October of last year Clinton's National Security Adviser, Anthony Lake, declared: "The Cassandras attacking our readiness are wrong." But weeks later the administration acknowledged that, by the Pentagon's own audit, three of twelve divisions were no longer fully combat-ready. In response to these reports (and perhaps to the November election results), Clinton promised to reinstate $25 billion of the funds he had gouged out of the defense budget. But even this partial restoration was largely notional, since the lion's share of it was targeted for the years 2000 and 2001.

Beyond subsuming foreign to domestic policy, Clinton has also allowed it to be dictated by domestic *politics*. How, for example, can his decision to invade Haiti be explained except by reference to the pressure from the Congressional Black Caucus? Clinton justified his action by saying that "when brutality occurs close to our shores it affects our national interest." But Haiti is no closer than Cuba, nor was its regime more brutal or undemocratic. Nor has it produced more refugees (another issue cited by Clinton). National Security Adviser Lake also argued that "the essential reliability of the United States" was at stake in Haiti, but this concern scarcely influenced Clinton's policy toward Bosnia, China, or Somalia, where U.S. reliability was more seriously tested.

If the disparate treatment of Haiti and Cuba suggested that Cuban-Americans lacked the clout of the Congressional Black Caucus, this did not mean that they were altogether powerless. Indeed, newspapers reported that Clinton had cultivated a relationship with Jorge Mas Canosa of the Cuban American National Foundation. No doubt as a result, when Clinton's budget-writers took an ax to Radio Free Europe and Radio Liberty, they treated broadcasting to Cuba through Radio and TV Martí more gingerly.

Of course, Communism endures in Cuba, not in Europe, and liberating Cuba remains a worthy cause. But Communism also endures in China. Moreover, from the point of view of America's security interests, Cuba now ranks very low (although not as low as Haiti) while China ranks very high. When Clinton announced his renewal of MFN for China, he declared that to advance the cause of human rights, he was ordering an increase in broadcasts on Radio Free Asia. But he

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then asked for only $10 million—a sum too small to launch the project, which remains on hold. One big reason to spend three times as much money on broadcasting to Cuba as to China is that Cuban-Americans constitute an organized voting bloc, whereas Chinese-Americans do not.

And where promiscuous ethnic politics goes, can the courting of other demographic groups be far behind? Thus Clinton pushed for admitting homosexuals into the military and women into combat roles. Whatever the merits of these steps, it can hardly be doubted that the motive for them was to please gay and feminist groups, not to improve the nation's fighting capabilities.

BILL CLINTON ran for President as a "new Democrat," but soon after his election he began to show signs of reverting to his liberal roots.* To be sure, where foreign and defense policy is concerned, the end of the cold war has blurred the old dividing lines between hawk and dove. Nonetheless, Clinton's foreign policy has betrayed the earmarks, if not of Left-liberalism, then of left-over liberalism—a congeries of attitudes and values stemming from the mindset that guided the doves of the 1970's.

I have already touched on the clearest manifestations of this mindset—the lack of sympathy for the military that led Clinton to force it to absorb virtually the full brunt of his budgetary economies as well as to accommodate the gay and feminist agenda. The same lack of sympathy is evident in the demand that the military devote an ever-larger share of its decreasing resources to non-defense tasks like conversion of industries from military to civilian uses and UN peacekeeping.

Not only have Clinton's actions weakened the military's force structure, they may also have damaged something more vital but harder to measure: morale. That was the issue behind Senator Jesse Helms's wildly inappropriate wisecrack that the President would need protection if he visited North Carolina's military bases.

The awesome juggernaut that America unleashed on Iraq in 1991 was composed of high-tech equipment and high-elan personnel, the fruit of many years of developing an all-volunteer force. But Clinton's deep budget cuts have squeezed military pay, reduced training, and forced longer tours away from home. This, together with the implicit message Clinton's policies have sent of a lower regard for the military's primary purpose (i.e., to fight), may well discourage some prospective recruits from signing up, impel some of the military's most able personnel to leave, and weaken the spirit of those who remain.

One area of defense spending that has been hit especially hard by Clinton is the Strategic Defense Initiative (SDI), the budget for which has been slashed by more than half. This Reagan-administration project flew in the face of the doctrine of Mutual Assured Destruction, which for reasons less than self-evident had become a cherished tenet of liberals. One of their main arguments against the project was that even a 99-percent effective shield against the USSR's tens of thousands of warheads would still allow hundreds to get through, enough to destroy the U.S. There is, however, no strong argument against SDI in the post-Soviet era, when the threats likely to face America are from accidents, smaller rogue powers, or terrorists.

Clinton's scanting of SDI matches especially poorly with his handling of the North Korean nuclear crisis. At bottom, he decided he would rather accept a small North Korean nuclear arsenal—and the precedent this would set—than risk a military confrontation with Pyongyang. A case can be made for this choice, but only in conjunction with an all-out effort to develop defenses against such arsenals.

ANOTHER vestige of 1970's liberalism in the Clinton foreign policy is its elevation of the role of the United Nations as an alternative to American power. This approach was spelled out by Clinton's UN ambassador, Madeleine Albright, in a 1993 speech in which she presented the strategy of building up the UN as the middle ground between isolationism and being the world's policeman:

> Between self-absorption, with ruinous consequences for the rest of the world, and hyperactivity with equally ruinous consequences for ourselves and others, there is a third alternative—an alternative that husbands American resources and promotes American and global interests in a just and orderly world. It is called multilateral action. . . . [W]e in the United States must work energetically to strengthen the capacity of the UN and other multilateral organizations to conduct peacekeeping, preventive diplomacy, peacemaking, peace enforcement, humanitarian security, and similar operations.

In September of the same year, Clinton said that "UN peacekeeping holds the promise to resolve many of this era's conflicts." Six days later a company of U.S. Army Rangers under the UN umbrella was wiped out in Mogadishu, taking the bloom off the rose of what Albright had called "aggressive multilateralism."

Yet even as the administration has backed away from its earlier lofty pronouncements, it has persevered with a series of measures to augment the UN's military role. Moreover, in Bosnia, American airmen are still risking their lives day after day in overflights while Washington bows to the UN's refusal of "permission" to take out the SAM batteries that threaten them. And in Haiti, Clinton sought and received UN Security Council authorization before launching an American invasion while disdaining to ask authorization from the U.S. Congress.

* See my "Lament of a Clinton Supporter" in the August 1993 COMMENTARY.

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Finally, the administration's ideological roots were evident in Clinton's exhortation to the UN General Assembly to "nurture our people and our planet through sustainable development." Sustainable development is a "buzz word" that is rarely defined, but its apparent meaning is development mitigated by special concern for the environment. The implicit priorities were made clearer in Secretary Christopher's testimony to the Senate in early 1994:

> The administration believes that too little attention has been paid to the interlocking threats of rapid population growth, poverty, and environmental degradation. . . . By increasing funding for population and environmental programs, we promote sustainable development.

In a related indication of priorities, the State Department's Bureau of Democracy and Human Rights—the institutional embodiment of Clinton's original democracy pillar—was subsumed, along with environmental and population issues, under the aegis of a new Under Secretary for Global Affairs. The man appointed to this post was former Senator Timothy Wirth, famed for his environmental concerns and with little known interest in global democracy.*

WHAT all this adds up to is a foreign policy that has diminished America's military strength and damaged its credibility. Washington has eaten its words over Bosnia, China, and North Korea—in each case bowing before explicit threats. This demonstration of cowardice cannot be compensated for by the conquest of Haiti, which no one mistakes for an act of bravery.

Surprisingly, some conservatives have taken to applauding Clinton, mistaking his irresolution for prudence, or accepting it as a reasonable facsimile. But they are unlikely to applaud the consequences as the evidence of American irresolution sinks in around the world. That it has already sunk in in Pyongyang was vividly demonstrated by North Korea's brazen reaction to the accidental intrusion of a U.S. helicopter in December. And sure enough, Washington offered several diplomatic concessions and the equivalent of an apology before the North Koreans released the surviving pilot, whose detention was illegal in the first place.

Irresolution has marred even one of the areas of Clinton's best performance—relations with Russia. It makes sense to devote funds, attention, and diplomatic perquisites to the goal of strengthening Russia's democrats in this transitional period. It makes less sense, however, to acquiesce in resurgent Russian imperial aspirations. Yet this is what Washington has done regarding Russian objections to the enlargement of NATO and Russian intervention in republics of the former Soviet Union.

Worst of all has been our legitimation of Russia's role in Bosnia by first endorsing its "safe-haven" plan and then joining it in the "contact group." The British diplomat David Owen has spoken of a "balance" between Russian support for the Serbs and American support for the predominantly Muslim Bosnian government. But the symmetry is quite false, equating as it does the aggressor with the victims of aggression. It is said that the Serbs and the Russians are traditional allies, but for roughly the past half-century it is we who have sided with Serb-dominated Yugoslavia against the Russian-dominated Soviet Union. Russian-Serb collaboration, rather, represents a recrudescence of pan-Slavism, that most mischievous invention of old Russian imperialism. It is one of the last directions in which we should encourage post-Soviet Russian policy to head.

Thus far, except for the additional Bosnians who have died and the Chinese dissidents who have suffered the intensified repression that has followed Clinton's MFN cave-in, the consequences of his irresolution have been modest. But they may not remain so. As Jeane Kirkpatrick has pointed out, while Clinton reaped much credit for facing down Saddam Hussein's menacing moves toward Kuwait (could George Bush's successor conceivably have done otherwise?), the real story may be that Clinton's demonstrations of weakness tempted Saddam to probe in the first place.

Six months after the start of the new administration, Secretary Christopher complained that "When we took office . . . we found the agenda overflowing with crises and potential disasters. A substantial proportion of time and energy have gone to navigating between submerged rocks and whirlpools on every continent." In truth, however, the Clinton administration inherited the most favorable international environment in at least 60 years. We might say that Clinton has taken a good situation and made the least of it, squandering a time of unparalleled American preeminence that might have been used to bolster our security and improve the prospects of world peace.

Can Clinton turn this around in the second half of his term and become the foreign-policy President? It is certainly within his power to stop subordinating foreign policy to domestic policy. But to stop subordinating it to domestic politics, and to jettison the vestiges of 1970's liberalism that are still so firmly implanted in him, would seem to require that Clinton perform a tougher task than the "reinventing" of government of which he boasts. He will have to reinvent himself.

* The *Almanac of American Politics* said of then-Senator Wirth in 1990: "The national—or international—issue Wirth is concentrating on is global warming. More than any other Senator, he has been studying the greenhouse effect."

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Are Human Rights Still Universal?

George Weigel

FIVE years after the Revolution of 1989, the idea that certain basic and inalienable human rights constitute the moral and political patrimony of all human beings—a claim presumably vindicated by the Communist crack-up and by the democratic transitions in East Central Europe, Latin America, and parts of East Asia—is once again under attack. The nature of this new critique of "universal human rights," the venues from which it has sprung, and the difficulties the West has had in handling it are interesting in themselves. They also tell us a lot about the correlation of moral and intellectual forces in world politics in the aftermath of the cold war.

In November 1994, for example, an international Christian-Muslim Consultation on "Religion and Human Rights" met in Berlin. The conferees, who included the Vatican's chief staff specialist on Catholic-Muslim dialogue, senior figures from the World Council of Churches, and prominent Muslim clerics, public officials, and legal scholars, issued a report calling for a reconsideration of the basic human-rights instruments in international law. Why? Because these documents—preeminent among them the 1948 Universal Declaration of Human Rights—arose "out of a historical experience whose framework is primarily secular-humanist."

Seventeen months earlier, the UN-sponsored World Conference on Human Rights, meeting in Vienna, had also done serious damage to the notion of universal and inalienable human rights. The conference's official declaration failed to articulate clearly such basic rights as religious freedom, freedom of association, freedom of assembly, and freedom of the press; instead, it managed to affirm a "right to development" (which, in practice, means drawing-rights on Western treasuries for third-world incompetents or despots) and a "right" to third-world debt relief. The Vienna declaration also condemned toxic-waste dumping as a human-rights violation, thus putting Love Canal in the same moral category as the Sudanese officials who are crucifying Christian tribesmen for their religious convictions.

The Vienna conference and final report were, in turn, influenced by the April 1993 Bangkok Declaration: one prominent expression of an assertive agitation against the notion of universal human rights carried on in recent years by numerous East Asian diplomats and statesmen hailing from countries as diverse as the massive People's Republic of China, medium-sized Malaysia, and the micro-state of Singapore. This curious congregation of Communists, modernizing Muslims, and capitalist Confucians has insisted that the "universality" of human rights is a Western imposition on cultures with different moral standards and social traditions, and thus different understandings of the relationship between individual liberties and public order. On this analysis, Western insistence that legal proprieties such as *habeas corpus* are matters of basic human rights is an act of moral and cultural imperialism to which other cultures cannot be expected to kowtow, international agreements notwithstanding.

Perhaps the most articulate exponent of the East Asian critique is the Singaporean diplomat Kishore Mahbubani, who has taken the argument a step beyond multiculturalism. Thus, Mahbubani has flatly stated that "many Western societies—including the United States—are doing some major things fundamentally wrong," and that among those errors are the West's "fundamental assumptions about its social and political arrangements." On this reading, the political philosophy of Singapore's former Prime Minister, Lee Kuan Yew, and the institutional arrangements to which it has given birth (which include intimidation of the international press and public eugenics campaigns) are not just morally equivalent to the political philosophy and constitutional order of the American democratic experiment; they are superior.*

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* Lest this claim be thought a bit cheeky, coming from the representative of a country half the size of Chicago, let us not forget that one of America's most prominent intellectuals, the literary critic Stanley Fish, recently published a book with the title, *There's No Such Thing as Free Speech: And It's a Good Thing Too*; or that the influential philosopher Richard Rorty argues that a sustained intellectual defense of the moral claims of liberal democracy is impossible.

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Finally, there is not just theoretical but ample empirical evidence that in the post-cold-war world, the idea of universal human rights has struck shallow roots. This is perhaps the most depressing (and frightening) aspect of the crisis in the former Yugoslavia and the utter inability of the European democracies to put a stop to vicious ethnic bloodletting in their own neighborhood. European parliamentarians do very well at adding new "rights" to the various charters churned out by the Brussels bureaucracy. But they have exhibited a pusillanimity unseen since the days of Neville Chamberlain in the face of the real-world challenge to basic human rights posed by the sundry miscreants in the torture of Bosnia-Herzegovina.

II

At a first, realist, glance, all of this may appear to be mere froth on the boiling kettle of international social, economic, and political life. Surely, some will argue, the new information technologies, the fusion revolution in energy, and the manipulation of human genetics will have more to do with the medium- and long-term future of humanity than the political-philosophical speculations of Singaporean septuagenarians or Iranian experts in Islamic law.

But a second glance should suggest, even to foreign-policy realists, that there are profound dangers in these latest attacks. For the gravamen of the new anti-universalism (especially in its East Asian form, which may be the most politically potent of the mix) is that there are no universal human rights because there is no single human nature, and thus no universal moral law to which appeals across cultures can be made. But that, in turn, means that there can be no serious international discussion about the shape of the world's future: for if there are no transcultural moral norms to guide the creation of whatever institutions of world order might be possible at this stage of human political evolution, then we really are living in a Hobbesian environment where all are, inevitably, at war with all. And if we would like to see what such an environment looks like, even among putatively civilized people, we need only glance at Sarajevo.

So what does today's "anti-universalism" amount to? Some of the current rhetoric and diplomacy is, of course, little more than a rationalization for despotism by authoritarians comfortable with their power and intent on maintaining it. At least a few proponents of the new East Asian critique fall into this category. Although the arguments have been tarted up philosophically, that hardly suffices to disguise the essential hypocrisy involved.

Still, it would be an error to dismiss the new attack as nothing more than self-serving political claptrap. For there are other, deeper currents of influence at work.

In part, the debate over universal human rights is a reflection of the stress caused by the modernization of economic and social life in traditional societies—or in societies recently under the jackboot of authoritarianism or totalitarianism. The churnings of market economies and the personal freedoms associated with democracy not only disrupt age-old patterns of family and community; they can also set in motion dynamics of personal behavior and interpersonal interaction that are radically incongruent with the moral meanings by which people have lived their lives, organized their relationships, and sustained their local communities for centuries. In places where the abrasions of social change are felt most acutely, it can make a kind of sense (however twisted) to blame all of these dislocations on Western notions of "human rights."

This displacement of blame becomes particularly problematic when accusations of "Western imperialism" can be linked (however tenuously) to a living religious tradition, as in both the Confucian and the Islamic variants of the new critique. To be sure, the use of "secular humanism" in the report of the Berlin Christian-Muslim conference was historically clumsy; after all, the intellectual and moral roots of the Western human-rights tradition antedate "secular humanism" by millennia. And one need not pay the Stalinist gerontocrats in Beijing the honor of suggesting that they are motivated by ancient Confucian insights.

But if one makes the effort to think past the more lurid formulations of Islamic activists and neo-Confucian autocrats (not to mention anti-Western Christian ecumenists), it is possible to see in them an expression of a fundamental fact of international life: namely, that, contrary to the expectations (and in some cases the fervent desires) of Western cultural elites, modernization has *not* resulted in widespread and universal secularization.

And this, in turn, should serve as a wake-up call to Western analysts and policy-makers, who for far too long have ignored the many roles—some of them quite positive—that religious constructions of reality play in international life. When Eleanor Roosevelt led the drafting committee that produced the 1948 Universal Declaration, she may have imagined that the world of the late 20th and early 21st century would have "grown" beyond religion. But that is most certainly not the case; and this fact ought to bear heavily on the arguments of anyone committed to a universal view of human rights.

The new critique should also be understood as a result of intellectual and social decadence in the West. One need hold no brief for Singapore's authoritarianism-with-a-capitalist-face to concede

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that Kishore Mahbubani is right to criticize the social pathologies of contemporary American life: skyrocketing rates of illegitimacy; the lethal triad of drugs/crime/homicide; mediocre educational accomplishment; disintegrating families; the welfare plantation. Nor need one deny that these pathologies are, in part, a reflection of the triumph in public policy (and Supreme Court jurisprudence) of a certain construal of "personal autonomy" as the end-all and be-all of liberty.

True, there is no *necessary* connection between classic American civil rights and political freedoms and the current condition of Detroit, or South-Central Los Angeles, or the South Bronx, or large parts of the nation's capital. But there is also no burking the fact that the social decay of the contemporary United States has made it far more difficult to sustain the case for our legal-political system (founded as it is on certain universal human-rights claims) against critics whose societies combine rapid economic growth and widespread prosperity with public order.

Also coming home to roost today are the intellectual and political errors of the 1948 Declaration, and the gross overreaching of the human-rights establishment within the UN system in the years since. By listing vast numbers of social goods as "human rights," the Universal Declaration helped set the foundation on which many of the new critiques now rest. Or, to get down to cases: when the Universal Declaration put the "right" to "periodic holidays with pay" on a legal plane with the fundamental human right of religious freedom, it blunted the moral cutting edge that the assertion of inalienability has had since the days of Thomas Jefferson.

Moreover, the endless piling-up of lists of "rights" that followed the Universal Declaration—in instruments such as the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights (not to mention such tracts for the times as the sundry international "conventions" on racial discrimination, discrimination against women, and the rights of children)—invited the suspicion that, if everything was a "human right," then nothing was, in fact, a human right in any serious sense.

The UN tradition of lumping civil rights and political freedoms (i.e., what most Americans understand by human rights) together with "economic, social, and cultural rights" intensified this basic conceptual confusion. An important role here was played by the proto-cold-war politics that distorted the drafting of the Universal Declaration between 1946 and 1948; as Arthur Schlesinger, Jr. has observed, the "second category" of rights (economic, social, and cultural) was "designed to please states that denied their subjects the first" (civil and political rights).

But however one traces its pedigree, the Universal Declaration did introduce a contradiction from the outset: for civil rights and political freedoms are claims that individuals and voluntary associations hold *against* state power, while economic, social, and cultural "rights" are, in most cases, benefices distributed (or withheld) *by* the state.

Thus the Universal Declaration's laundry list left unsettled the question of the *source* of rights (the person? the state?) even as it avoided some crucial real-world questions of modern political organization. For instance, does not a state's recognition of certain inherent and inalienable civil rights create social and political conditions for the pursuit of other public goods? And do not the moral claims embedded in basic civil liberties form an essential barrier against the tendency of all modern states to extend the reach of their coercive power into every nook and cranny of life? Or, to put the matter more bluntly: are not some human rights more fundamental than others, in terms both of protecting people against tyranny and of organizing a just society?

If the superior economic and social performance of Western democracies during the cold war seemed to confirm this idea of priorities among rights, the East Asian success stories of the past decade have suggested that the relationship among civil liberties, admirable economic performance, and democratization may not be as simple or as univocal as many Westerners once thought. But in the UN system, all such crucial questions have been largely ignored as ever-more-detailed lists of "rights" are concocted and compiled. (The recent Cairo population conference tried to introduce the new category of "reproductive rights," a UN euphemism for the establishment, in international law, of the mores of the sexual revolution as practiced in such utopias as Stockholm and Hollywood.)

But it would be misleading to leave matters on so bleak a note. For all the UN's intellectual flaccidity and bureaucratic sluggishness, and despite the fact that the failure to assign priorities has opened the door to the claims of despots, the cause of human rights throughout the world has made considerable progress over the past 50 years.

The most spectacular successes are in East Central Europe, where a morally-inspired human-rights movement brought down the Berlin Wall and put paid to Stalin's empire through nonviolent action aimed, quite openly, at the restoration of what were understood to be *the* basic human rights: civil liberties and political freedoms. The successful democratic transitions in Latin America have also been buttressed by human-rights movements which focused their attention

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and their activism on the traditional Western priorities.

The *idea* of universal and inalienable human rights has, in short, proved more powerful than some of the rationales that have hitherto been adduced in its defense. And this curious circumstance may provide an important clue for redirecting the current debate.

III

ANY attempt to counter the new anti-universalism and to reestablish the notion of universal human rights should begin by acknowledging that some of freedom's less thoughtful advocates in the West (and particularly in the United States) have left liberal democracy vulnerable to the new critique: by collapsing freedom into radical personal autonomy, by failing to link the rights of persons to the fulfillment of familial and public responsibilities, and by indulging in the luxury of a moral relativism that inevitably leads to societal chaos.

But even were the United States to reverse the social pathologies of the past 30 years—even if the Supreme Court were to concede that it has too often reduced liberty to license—the question would still remain: are there really universal moral truths capable of sustaining even a minimum list of universal human rights?

Writing in COMMENTARY seventeen years ago, the sociologist Peter L. Berger proposed a "crucial distinction" between "those notions of human rights that emerge exclusively from a Western view of the world, and which will only be plausible to those sharing this view, and those notions of human rights that derive their warrant from a wider consensus."* The first step in drawing that distinction, according to Berger, was to separate "those rights that derive from the specifically Western values of liberty and equality from those that pertain to the human condition as such."

Berger then sketched the outlines of a scheme of "fundamental human rights" by following an empirical *via negativa*, listing a catalogue of gross depredations that would be morally condemned by all of the major world cultures, especially those with deep religious roots:

> Genocide; the massacre of large numbers of innocent people by their own government or by alien conquerors; the deliberate abandonment of entire sections of a population to starvation; the systematic use of terror (including torture) as government policy; the expulsion of large numbers of people from their homes; enslavement through various forms of forced labor; the forced separation of families (including the taking away of children from their parents by actions of government); the deliberate desecration of religious symbols and the persecution of those adhering to them; the destruction of institutions that embody ethnic identity.

In condemning these (admittedly widespread) abuses, Berger argued, Americans and others in the West could call upon a considerable international moral consensus which not only would be proof against the charge of "cultural imperialism" but which would appeal to moral warrants deeply embedded in non-Western cultural and religious systems.

One might take this argument a bit farther, as Berger himself has subsequently done, and think about the ways in which such transcultural appeals—by putting some actions, however traditional, definitively out of bounds—may serve to stretch existing moral systems, perhaps even prodding them to new moral insights. At a recent seminar in Washington, Berger used a mathematical analogy to illustrate this notion of "emergent understanding." Algebra was discovered (or, perhaps more accurately, rediscovered) by 9th-century Arabs; but over time, the universal truths that algebra represented were grasped even by barbaric Europeans, who began to incorporate Arabic understandings into their mathematics in the 13th century. At which point, presumably, it became clear that algebra was not culturally-conditioned "all the way down" (to use a favored phrase of today's Western deconstructionists).

A bit closer to modern concerns, the contemporary Roman Catholic development of doctrine on the question of religious freedom nicely illustrates the concept of "emergent understanding." Prior to the Second Vatican Council, it was frequently argued in official Catholic circles that there was no such thing as "religious freedom," because, as the phrase had it, "error has no rights." Vatican II's Declaration on Religious Freedom transcended this sterile debate by insisting that *persons*, whether their religious opinions were erroneous or not, had rights over against coercive state power; and the Council justified this position by an appeal to the very traditional Catholic notion that the act of faith must be freely made if it is to be, in truth, an act of faith.

In other words, a rather dramatic shift in the Church's understanding of basic human rights and church-state relations was effected by an appeal to a religious warrant from *within* traditional Catholicism: as Cardinal Joseph Ratzinger once put it, "God wishes to be adored by people who are free."

MIGHT a similar process of development be possible in other great world cultural systems? At the same Washington seminar at which Peter Berger spoke, the Chinese scholar Weiming Tu reported that the seemingly Western concept of the "dignity of the per-

* "Are Human Rights Universal?," September 1977.

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son" had achieved a new cultural grip in some Confucian circles in the People's Republic of China. It had done so, he said, precisely because the awfulness of the Beijing regime had compelled a certain "stretching" of traditional moral understandings in which the claims of individuals were usually regarded as subordinate to the demands of public order. Tu seemed to suggest that this emergent concept of human dignity, legitimated by a developed Confucian moral anthropology, might in time be able to support an understanding of civil liberties that would run parallel to, if not be identical with, Western notions of the minimal conditions of civil society.

On the other hand, deploying this strategy of "emergent understanding" in the defense of universal human rights against charges of "Western cultural imperialism" does not preclude the possibility—indeed, I would say, the certainty—that some moral claims first adumbrated in the West do indeed have a universal validity.

Thus, if religious freedom is the first of human rights, then the moral claim embedded in the notion of "religious freedom" is as valid in Shanghai, Riyadh, and Mogadishu as it is in Washington, D.C. and Peoria. If the essence of human personhood precludes treating women as property for purposes of marriage, then that is true in Khartoum no less than in Baltimore. If the notion of the equality of persons before the law rests on certain irreducible features of humanness, then the equality of persons before the law ought to be recognized in Singapore as well as in the Cook County courthouse. And these moral claims are *true*, no matter how different may be the social and political forms developed in different societies to embody the universal principles of religious freedom, freedom to marry, and legal equality.

To be sure, this notion of universality rests on the idea that we can speak meaningfully of a "human nature" in which a certain moral logic is hard-wired—a wholly unfashionable notion regarded as vaguely medieval and definitely "unenlightened" in many Western academic and political-intellectual circles today. But that only suggests the need to carry the debate to Cambridge, Chicago, and Berkeley as well as to the seminaries of Teheran and Qom and the Foreign Ministry of Singapore.

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The Problem of Shostakovich

Terry Teachout

DMITRI SHOSTAKOVICH (1906-75) is now generally regarded as one of the great composers of our time, but his reputation, at least in the West, was not always so high. Thereby hangs a complex tale involving questions about his personal conduct as a citizen of a totalitarian society and the way that conduct did or did not affect the music he wrote.

Shostakovich first came to the United States in 1949 to take part in the Cultural and Scientific Conference for World Peace, the notorious "Waldorf Peace Congress" whose American participants were characterized by the émigré Russian composer Nicolas Nabokov as "peacemakers, peace addicts, and peace dupes." Shostakovich's role in this Communist-run puppet show was to sit in silence while an interpreter read on his behalf a speech in which the Soviet Union's most famous composer criticized American "warmongers," attacked Igor Stravinsky (who had long since left Russia and was now living in the West) for having "betrayed his native land and severed himself from his people by joining the camp of reactionary modern musicians," and apologized abjectly for his own periodic lapses into "bourgeois formalism."

Shostakovich had been personally ordered by Stalin to attend the conference. But Westerners knew only that he was one of several Soviet musicians recently singled out for criticism by the Communist party's Central Committee, which in 1948 had accused Shostakovich, Sergei Prokofiev, and other composers of "formalistic distortions and antidemocratic tendencies." Those with longer memories recalled also that Shostakovich had previously been censured in a 1936 *Pravda* editorial entitled "Muddle Instead of Music," but had been rehabilitated after the premiere a year later of his Fifth Symphony, subtitled "A Soviet Artist's Creative Reply to Just Criticism." (It was not generally known that this subtitle was coined not by Shostakovich but by a Soviet journalist.) Many observers thus assumed that the winner of the 1940 Stalin Prize was once more bending his knee to the Kremlin in hopes of being restored to official favor.

From 1949 until his death 26 years later, Shostakovich scrupulously obeyed the wishes of the Soviet cultural commissars, grinding out simpleminded film scores and mass choruses by the pound and expounding the idiot tenets of socialist realism in dozens of essays, articles, and statements—all couched, like his Waldorf speech, in impeccable bureaucratese. Not once did he protest publicly against the Soviet regime, or lend his name to protests by others.

At the same time, however, Shostakovich also continued to produce serious music, including six more symphonies and twelve of his fifteen string quartets. But these works were curtly dismissed by many Western critics, among them Harold C. Schonberg of the *New York Times*:

> Shostakovich rehabilitated himself in 1937 with his Fifth Symphony. But to all intents and purposes, he was ruined as a composer. . . . He was to write nothing but safe music, repeating old formulas, imitating some of Prokofiev's mannerisms.

So things stood until a dramatically different perspective on Shostakovich's life and work was provided with the publication in 1979 of Solomon Volkov's *Testimony: The Memoirs of Dmitri Shostakovich*. Volkov, a Russian music journalist, left the Soviet Union in 1976, having previously smuggled out a manuscript purportedly based on private conversations with the composer. Volkov's Shostakovich was no political toady but rather the opposite: a "secret dissident" who spoke bluntly of his loathing of Stalin ("Stalin was a spider and everyone who approached his nets had to die. . . . Stalin and Hitler were spiritual relatives"). He also repudiated his Waldorf Peace Congress speech ("It cost me a great deal, that trip, I had to answer stupid questions and keep from saying too much. . . . [A]ll I thought about was: How much longer do I have to live?"), as well as all other statements issued in his name, claiming they were written by party hacks and signed under duress.

The Shostakovich of *Testimony* contended, moreover, that his music was full of coded criticisms of the Soviet regime:

> The war brought much new sorrow and much new destruction, but I haven't forgotten the

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terrible prewar years. That is what all my symphonies, beginning with the Fourth, are about . . . no one has yet guessed what [the Tenth Symphony] is about. It's about Stalin and the Stalin years. The second part, the scherzo, is a musical portrait of Stalin, roughly speaking. . . . The Eighth [Quartet] is an autobiographical quartet, it quotes a song known to all Russians: "Exhausted by the hardships of prison." . . . The majority of my symphonies are tombstones.

Testimony had the same effect on Western musicians that the first volume of Aleksandr Solzhenitsyn's *The Gulag Archipelago* had on Western intellectuals: some embraced it, some deplored it, but everybody read it. It was not surprising that the Soviet government, after failing to suppress *Testimony* in the courts, sought with equal clumsiness to discredit it as a forgery. But it was surprising, and ironic, that the first credible attack on the veracity of *Testimony* appeared in an essay in *Russian Review*, a publication of the staunchly anti-Communist Hoover Institution. There, Laurel Fay, an American musicologist specializing in Russian studies, demonstrated conclusively that parts of *Testimony* had been plagiarized from previously published Russian-language articles signed by Shostakovich.

Fay's article was subsequently accepted by most scholars as a definitive refutation of the authenticity of *Testimony*. But like many academic disputes, this one went largely unnoticed in the larger world of culture. Volkov's Shostakovich seemed entirely credible to performers and listeners familiar with the composer's post-1937 music, and quotations from *Testimony* soon became a staple item of music critics and program annotators (the present writer included), who thereafter "read" Shostakovich's works as a Solzhenitsyn-like chronicle of life under totalitarianism.

The debate over the extent to which Volkov misrepresented Shostakovich's role in the writing of *Testimony* is further complicated by the fact that numerous Soviet émigrés who knew the composer well have consistently described him in terms similar to those found in Volkov's book. And while some express doubts about *Testimony*, many others feel it is generally reliable, most notably Shostakovich's son Maxim: "It's true. It's accurate. Sometimes, for me, there is too much rumor in the book, but nothing major. The basis of the book is correct."

With the collapse of Communism, the authenticity of *Testimony* has become a matter of academic interest, not because questions about the book have been satisfactorily answered (Volkov has never responded to Laurel Fay's charges) but because it is now possible to draw a portrait of Shostakovich based on independent and uncoerced primary sources. The foremost of these is *Shostakovich: A Life Remembered*, a new book by Elizabeth Wilson,* a Russian-speaking English cellist who lived in Moscow from 1964 to 1971 (her father, Sir Duncan Wilson, was British ambassador to the Soviet Union) and studied with Mstislav Rostropovich, one of Shostakovich's closest associates and foremost interpreters.

Wilson's book, initially planned as a short volume in Faber & Faber's "Composers Remembered" series, soon grew beyond its intended scope to become a full-scale documentary biography based not only on pre- and post-glasnost reminiscences of Shostakovich, some already published and some newly commissioned, but on interviews with about two dozen of the composer's friends, colleagues, and family members. The result is without question the most important English-language book about Dmitri Shostakovich to date.

Though Wilson is in some ways politically naive, she has no illusions about the moral depravity of the Soviet government. She has also gone to great lengths to achieve balance—not in the scurrilous sense of giving equal time to liars but in the genuine sense of including a maximum amount of verifiable information about Shostakovich gathered from the widest possible variety of trustworthy sources, some of it unflattering in the extreme.

According to Wilson, *Shostakovich: A Life Remembered* "does not aim to deal with his musical output in any depth, or to foist new political interpretations on his life or music." But readers are free to ask their own questions and draw their own conclusions, and for those familiar with the outline of Shostakovich's life as seen from the West, one question comes immediately to mind: was Dmitri Shostakovich a man of honor?

THE concept of "secret dissidence" did not suddenly enter the annals of 20th-century music with the publication of Volkov's *Testimony*. It was the stock-in-trade of innumerable European musicians accused of collaboration with the Nazis. The wartime records of such otherwise distinguished artists as Richard Strauss, Wilhelm Furtwängler, Willem Mengelberg, and Alfred Cortot continue to raise hackles in musical circles, with defenders of these men typically claiming that they privately opposed Hitler and did what they could to help Jewish friends and colleagues escape the Holocaust.

Unlike the musicians of the Third Reich, Shostakovich was never in a position to flee his captors. Only eleven years old when the Communists took over in Russia, he lived his whole adult life in the shadow of Soviet power; his visits to the West were strictly supervised, and his wife and children remained in the Soviet Union as hostages whenever he left the country. Nonetheless, sympathetic Western observers found themselves at a loss to explain Shostakovich's relentlessly

* Princeton University Press, 550 pp., $35.00.

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fawning public statements ("The artist in Russia has more 'freedom' than the artist in the West") and his continuing willingness to participate in the Soviet *apparat* of cultural control.

Solomon Volkov's explanation was straightforward: Shostakovich did everything he was told to do, no matter how contemptible or absurd, both as a means of self-protection and in the certainty that his fellow Russian musicians would assume he was acting at gunpoint. ("I'd sign anything even if they hand it to me upside down," he once told a friend.)

That this was indeed the case is confirmed time and again in the pages of *Shostakovich: A Life Remembered*. It was known throughout the Russian musical community that Stalin himself had ordered the publication of "Muddle Instead of Music" after attending a performance in 1936 of Shostakovich's opera *Lady Macbeth of the Mtsensk District*, and that he could just as easily have added an order to have the offending composer shot. Those who survived the Great Terror of that period were not inclined to criticize a fellow survivor for having done whatever was necessary—short of actual collaboration with the KGB, at which Shostakovich firmly drew the line—to escape the fate of millions of his contemporaries. And the Terror was no hypothetical threat for Shostakovich. As Elizabeth Wilson points out, many of his friends and relatives vanished in 1936 and 1937, among them his brother-in-law, his mother-in-law, and his uncle.

Shostakovich: A Life Remembered also confirms the composer's full awareness of the nature of the regime he served. Asked by one of his pupils about Solzhenitsyn's grisly novel set in the gulag, *One Day in the Life of Ivan Denisovich*, he replied, "[I]t's reality varnished over, it's reality varnished over. The truth was ten times worse than that." Similarly, when a friend told him of rumors that Lavrenti Beria, head of the KGB, intended to free gulag prisoners after the death of Stalin, Shostakovich answered furiously:

> How can you believe such deliberate lies, lies that have been put into circulation by *that* department! *Beria*, who personally cut up corpses and flushed them down the toilet, now wants people to believe that he has grown wings. And you are inclined to believe it!

Confirmed, too, is the notion that Shostakovich's music was universally understood by his colleagues to be "about" the monstrosities of the Stalin era. Fyodor Druzhinin, violist of the Beethoven Quartet and dedicatee of Shostakovich's Viola Sonata, the composer's last completed work, is typical:

> People who lived in Shostakovich's epoch have no need to dig in the archives or to marvel at the evidence of repressions and executions and murders. It is all there in his music. . . . It's our good fortune that, thanks to the abstract nature of music, they were unable to put the composer before a firing squad.*

Even more striking is this reminiscence by a member of the Leningrad Philharmonic:

> I remember another occasion when [Yevgeny Mravinsky, conductor of the Leningrad Philharmonic] was rehearsing the finale of [Shostakovich's] Ninth Symphony. He objected to the character of the sound in the celli and double basses when they play in unison with the trombones. "You have the wrong sound. I need the sound of the trampling of steel-shod boots." (We knew that he wasn't referring to ordinary soldiers, but to the KGB forces.)

But the Shostakovich of *Shostakovich: A Life Remembered* is in one crucial way very different from the Shostakovich of *Testimony*: instead of being resigned, he loathed himself for cooperating, however nominally, with his captors. Speaking of the pitiful occasion in 1948 on which he confessed his musical sins before the Union of Soviet Composers, Shostakovich described himself as "the most paltry wretch, a parasite, a puppet, a cut-out paper doll on a string!!" And when, long after the death of Stalin, he signed his name to an official letter criticizing Solzhenitsyn and Andrei Sakharov, "he cursed himself," a former friend told Wilson, "saying that he'd never forgive himself for having done it." Nevertheless, he continued to act as a figurehead for the Soviet cultural establishment in the post-Stalin years, even going so far as to join the Communist party in 1960.

ONE of the unintended consequences of the publication of *Testimony* was a worldwide critical revaluation of Shostakovich's music. Though Shostakovich was admired by many Westerners prior to his death in 1975, his standing has risen considerably since then, in part because of the fascination still exerted by the political interpretations contained in *Testimony* of such key works as the Eighth Quartet and the Tenth Symphony. Recent New York performances of *Lady Macbeth of the Mtsensk District* (which received its long-overdue, if problematically produced, Metropolitan Opera premiere last November) and the complete quartet cycle (played at Alice Tully Hall by the Borodin Quartet) served as a reminder that Shostakovich's music is now more esteemed and more popular in the West than ever before.

Elizabeth Wilson astutely refers to the "distinctly dramatic allure" of Solomon Volkov's portrait of "a composer forced to lead a double life, one official and ideologically correct, and the

* In this respect, Shostakovich might be said to resemble a nonmusical Strauss—the philosopher Leo: "Persecution, then, gives rise to a peculiar technique of writing, and therewith to a peculiar type of literature, in which the truth about all crucial things is presented exclusively between the lines. That literature is addressed, not to all readers, but to trustworthy and intelligent readers only. . . . It has all the advantages of public communication without having its greatest disadvantage—capital punishment for the author."

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other clandestine, reserved for his real feelings." But is it necessary to know (or believe) this "story line" in order to appreciate Shostakovich's music? Many contributors to *Shostakovich: A Life Remembered* imply that the music cannot meaningfully be separated from the events it presumably chronicles, a belief carried to its logical extreme by Ian MacDonald in *The New Shostakovich* (1990), a controversial post-*Testimony* study of Shostakovich's life and work:

> [T]he greater part of Shostakovich's art, like that of his fellow Soviet composers and writers, is simply unintelligible when taken out of sociohistorical context and, as such, attempts to grasp it as "pure music" are doomed before they begin. . . . Suffice it to say that, for most listeners outside the Communist bloc, listening to Shostakovich's music without knowing *The Gulag Archipelago* is equivalent to listening to spoken Russian without a translation.

Whether interpreting Shostakovich's symphonies and string quartets as an aural counterpart of *The Gulag Archipelago* clarifies or trivializes them will presumably remain a bone of critical contention for many years to come. It is conceivable that we cannot fully understand Shostakovich's music without knowing what he thought it meant; certainly, many Westerners were deaf to its virtues until told that it was really "about" the horrors of Stalinism. (Conversely, some left-wing commentators found it hard to swallow the distinct possibility that Shostakovich might not have been the Soviet loyalist of pre-*Testimony* legend.)

Like most prolific composers, Shostakovich was uneven, and much of his output was produced to keep the pot boiling and the commissars happy. But when he was at his frequent best, the long arches of chilly melody, the gray, sagging harmonies, the caustic scherzi, and the joyless quickstep finales added up to a style of the utmost originality and distinction, and one in which numerous masterpieces were written: *Lady Macbeth*; the First, Fifth, Eighth, Tenth, Thirteenth, and Fourteenth Symphonies; the concertos for violin and cello; most of the chamber music (especially the fifteen string quartets) and song cycles. Whatever the true meaning of these anguish-drenched works, it seems increasingly obvious that their creator ranks with Bartók and Stravinsky as an indisputably great contemporary composer.*

It is precisely because Shostakovich was a great composer that we feel the need to weigh in the balance his personal conduct, irrelevant though it must ultimately be to the significance of his music. The task is not a simple one. *Testimony* or no *Testimony*, it is no longer possible to regard Shostakovich as a faithful servant of the Communist party. *Shostakovich: A Life Remembered* leaves no doubt whatsoever that he hated Stalin, hated Communism, hated the *apparatchiki* and the *nomenklatura*, and that much of his music was in some meaningful sense intended to convey this hatred. As for his own behavior, Shostakovich's private judgment was unsparing: "I've been a whore, I am and always will be a whore."

But those tempted to judge Shostakovich as harshly as he judged himself would do well to recall the historian Robert Conquest's provisional verdict on the infinitely more equivocal conduct of Shostakovich's contemporary, the poet Yevgeny Yevtushenko: "We might yet accept that in Soviet circumstances his record, with all its shifts and compromises, may merit, on balance, a positive assessment." Had Shostakovich refused to compromise, he might not have lived to compose a body of music that many listeners now regard as a permanent and supremely eloquent protest against the foulest tyranny the world has ever known.

To defend Shostakovich in this manner is not necessarily to confuse ends and means. One must also recall the extent of his own suffering. A younger Russian composer, Sofiya Gubaidulina, who was initially shocked by Shostakovich's decision to join the Communist party, came in time to feel differently:

> I now realize that the circumstances he lived under were unbearably cruel, more than anyone should have to endure. He had overcome the most important trials, but when he allowed himself to relax, he succumbed to weakness. But I accept him, for I see him as pain personified, the epitome of the tragedy and terror of our times. Indeed, I believe that Shostakovich's music reaches such a wide audience because he was able to transform the pain that he so keenly experienced into something exalted and full of light, which transcends all worldly suffering.

Even after reading the most unsettling pages of *Shostakovich: A Life Remembered*, it remains difficult to listen to Dmitri Shostakovich's music without feeling much the same way.

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* Though there are many fine recordings of Shostakovich's music by Western performers, interested readers may want to acquire the following CD's, all of which feature Russian musicians who worked closely with the composer: Yevgeny Mravinsky's 1954 studio recording with the Leningrad Philharmonic of the Tenth Symphony (Saga Classics SCD 9017); Tatiana Nikolayeva's 1990 recording of the complete Preludes and Fugues, Op. 87 (Hyperion CDA 66431/3); the Beethoven Quartet's newly reissued recordings of the Seventh and Eighth Quartets (Consonance 81-3006); the Borodin Trio's recordings of the E Minor Piano Trio and G Minor Piano Quintet (Chandos CHAN 8342); and a 1973 performance of the Fourteenth Symphony by Galina Vishnevskaya, Mark Reshetin, Mstislav Rostropovich, and the Moscow Philharmonic Symphony Orchestra Soloists' Ensemble (Melodiya SUCD 10-00241).

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Moe

A Story

Joseph Epstein

"DINOSAURS," Lou Levin said, "let's face it, we're a pack of goddamn dinosaurs."

"What's that supposed to mean?" Irv Brodsky asked.

"It means," said Levin, "that guys like us are destined no longer to appear on the face of the earth. We're soon to be extinct. The way we think, the way we act, Jesus, even handball, the game we play, is on its way out. Nobody under sixty plays this game any more."

Slowly slipping off his knee brace, Moe Bernstein, though he didn't say anything, tended to agree. None of the sporting-goods stores carried handballs any longer; you couldn't find a proper pair of gloves anywhere in the whole city. Only here at the Horwich Jewish Community Center was there equipment for the game he and his friends loved.

Once upon a time, handball was a game for serious athletes, real gym rats. You had to develop both your left and right hands, which not everyone, even the best athletes in other sports, could do. Players tended to be stocky, the better not to be pushed around on the court. Moe himself was five foot five and weighed 180 pounds, thick in the legs, barrel-chested, a real handball build. He still thought of himself as in good shape, even though breathing came heavier now and he and his friends confined themselves to playing doubles, and for only an hour at that.

"Lou's right," Sid Melman chimed in. "It's another world. I was telling Sam Kantor, my broker, the other day about my niece. She announced she's converting to Catholicism. 'Don't complain,' he says to me, 'my own daughter, at thirty-three, last week tells my wife that she's a lesbian and is moving in with another broad. Next to lesbian, Catholicism is nice, Buddhism is nice. Shit, I'd take Islam before lesbian.' "

"That," said Levin, "is precisely why you're a dinosaur, Sidney."

"Up yours, Louie."

"Said like a true *schmuck* dinosaur," replied Levin. "Look, boys, the rules have been changed. We got caught in the switch. Everyone now can do what he likes. It's open season on everything. Delay no desire. Stop saving. Stick it anywhere you please. Walk away from any mess, any time. All this comes a little late for us, but whose fault is that?"

Stuffing his gear—jock, shorts, sweat socks, gloves, knee brace—into his gym bag, Bernstein could have contributed his own stories to the conversation, his own chronicles of the brave new world they all lived in, but decided against it. What was the point? Levin was probably right. They were dinosaurs, Moe included. He felt the calluses on his hands, mementos of half a century of swatting balls around YMCA and JCC courts all over Chicago. Even his hands marked him as a dinosaur—but at least he was a dinosaur who still had a great kill shot.

Bernstein drove his Buick, a Park Avenue, the five blocks from the JCC to his house on Fargo. He had kept the house after Sylvia died four years ago, though what he needed with three bedrooms, two baths, and a finished basement he couldn't exactly say. It seemed like too much trouble to move. Besides, he didn't mind mowing the lawn in spring and summer; in the autumn there were the leaves to rake; and he still had the back muscles for shoveling snow, though this past winter he had begun to feel it.

The neighborhood was changing, but still safe. Korean families lived in the houses on either side of his, and an Indian physician, an anesthesiologist, lived across the way; his wife walked the neighborhood in saris. On Devon, once the main hub of shopping in the neighborhood, the Indians had taken over much of the retail business east of California Avenue—many sari palaces, as they called them—while west of California the ultra-Orthodox Jews dominated. The tonier Jews had long since departed: to Lincolnwood and Highland Park and Glencoe.

Nothing of interest in the mail: bills, catalogues, charity appeals, the usual junk. You want to get letters, Bernstein reminded himself, you have to write letters. Who today wrote letters? You called long distance, or faxed. There was also something called e-mail, or so he had heard. He had decided to take a pass on the whole computer thing; at sixty-seven, he figured he was close

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enough to the grave to get away with it. He had thought about installing a car phone, but decided no.

He did have a VCR, which he used occasionally to record a Bears game when he was going to be out of the house. When he first got the thing, he rented movies, mostly the old ones he had grown up with, the Bogarts and Fred Astaires, William Powells and James Cagneys and Spencer Tracys, but he soon lost interest. Television news and the Cubs and Bears and Bulls gave him all the entertainment he needed. Most nights he went to bed before ten anyhow.

Bernstein popped a Stouffer's frozen lasagna into the oven, then, gym bag in hand, walked upstairs. The room next to the master bedroom he had fixed up for his grandson, Nathaniel, soon after he was born, though the kid almost never used it. Bernstein had put Big Ten pennants on the walls along with a blown-up photograph of Walter Payton somersaulting into the end zone against the Packers and another of Babe Ruth finishing a home-run swing. In a bookcase were a few of his own handball trophies, a copy of Abram Sachar's *History of the Jews*, and a plaque from the Israel Bonds office with Bernstein's first name Morris misspelled Maurice.

He had never bothered to redecorate the master bedroom after his wife's death, and so it remained essentially a woman's room, with gauzy curtains, prints of French ladies in gold frames, great lacy throw pillows over the flowery bedspread, and a frilly ruffle on the bed. His thick body slept alone in that feminine double bed. Whole days went by now when Bernstein forgot to think of Sylvia. They had been married forty-two years when she died. Sometimes, out in the car, at odd times of the day, he would try to recall her face and, concentrate though he might, he could not summon it up. After Bernstein himself died, there would be no one left to summon up his own. There was his son, of course, and there was his grandson, but he doubted he was likely to be on the mind of either for very long.

When the Stouffer's was ready, Bernstein fixed himself a salad of iceberg lettuce which he covered with Kraft Thousand Island dressing, poured a glass of ginger ale, and took it all into the den. Setting it on a TV table before his favorite chair, he turned on the local six o'clock news and ate to the accompaniment of stories about west-side murders, south-side arsons, northwest-side juvenile-gang warfare, and, for comic relief, political scandals. At the break after the weather, he returned to the kitchen to cut a slice of Sara Lee cheesecake, which he ate while watching the sports news.

After washing the dishes, Bernstein transferred himself to the couch to watch the Cubs-Cards game. It had, he thought, lighting a cigar, been a pretty good day. For the past thirty-four years Bernstein had been a salesman for the Toledo Scale Company, and had made a damn good living. Good enough, at any rate, to buy this house, send his son through college and law school, never drive a car more than three years old, and—himself a child of the Depression, and hence always a careful saver—live without any real financial worry. He no longer had to scramble for business the way he once did. He continued to service his old accounts, mostly butcher shops, looking after repairs and temporary replacements, updating old equipment, selling scale stickers and register tapes. He had notified the home office that he would take retirement at seventy, less than three years away.

Bernstein had started off the day by dropping in on Mikhail Petrovich, a Ukrainian butcher who had been using an antiquated machine, originally produced in 1948, which he took over when he bought the shop and which had finally broken down completely. With scarcely any effort on Bernstein's part, Petrovich had bought a $4,600 scale, the biggest ticket item in Bernstein's line. After writing up the order, on the way out of the shop, he heard Petrovich, in his greenhorn accent, say to his assistant, "You know, I wake this morning, I never dream I buy scale."

Bernstein unlaced his shoes, put out his cigar, propped a pillow behind his head, and let his mind wander, the Cubs game playing like Muzak in the background. His mind drifted to his son. He had never really approved of the kid's marriage to begin with. The girl was never his cup of tea. She was pretentious, hipped on psychology; he could never feel close to her. And the mother was even worse. Before marrying a woman, it's always a good idea to have a close look at the mother, so you see what's in store.

Much as he had wanted to alert his son to steer clear, Sylvia warned him against doing so. Besides, even though Leslie was his only child, Bernstein had never been that close to the boy. He couldn't tell you why, but they never had the kind of relationship where the father could have slipped his arm around the son and said, "Look, Leslie, you're in some pretty serious trouble here. These women are crushers. No one's got you in a hammerlock. Cut and run while there's still time. I'll cover you. I'll take some of the flak. Say your old man doesn't want you to marry so young. Make up any story you like. I'll back you all the way."

Of course, Bernstein thought at the time, he could be wrong. Nothing harder to figure than marriages. All begin in sexual attraction and most end in personal irritation. Yet sometimes the most impossible combinations, marriages you would have thought never had a chance, worked out just fine. So Bernstein never said a word; he went along with the show.

And quite a show it was. The Shapiros must have spent no less than forty grand on their daughter's wedding—like Leslie, Deborah was an

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only child. Seymour Shapiro, a lawyer specializing in personal injury, turned a big buck. Bernstein would never forget the fuss Miriam Shapiro made when the rabbi showed up at the Drake Hotel without the *huppah*. He remembered the rabbi muttering something to the effect that the less religion people had, the more they insisted on the niceties. The bridal couple had written their own vows, of which Bernstein could now recall nothing except that he had shuddered while listening to them. He did remember that the rabbi, from a Reform temple in Glencoe, spoke in an English accent and seemed to get seven or eight syllables into his pronunciation of the word Israel.

THE kids, Leslie and Deborah, appeared to get on well enough. Leslie finished law school. Deborah taught "exceptional children," which Bernstein later learned meant that they had serious problems. She called Bernstein "Dad," but it never felt quite right. Three years they waited to have a child of their own. When they wanted to move from the city to Highland Park, Leslie came to his father to ask for a loan of twenty-five grand to help with the down payment, and of course Bernstein lent him the money, no interest.

Bernstein should have sensed trouble when Leslie showed up one day wearing a mustache. It was brown and so luxuriously thick it looked as though it might be made of mink. Bernstein restrained himself from mocking the boy, but he couldn't take this seriously. "Leslie," he wanted to say, "you planning to store that with Traeger the furrier in the summer?" Soon Leslie began to show up in Italian suits, double-breasted jobs, with ample shoulders; they went, Bernstein understood, for a grand apiece. He wore loafers with gold chains. A funny way for a lawyer to dress.

It was at Passover dinner at Bernstein's own home that he first realized trouble was brewing. Between the fish and the soup, his daughter-in-law began to cry and had to leave the room. His son excused himself, then came back ten minutes later to say he was sorry but they would have to leave, Debbie was so upset. In some panic himself, Leslie told his parents he would call later to explain. Nathaniel was not yet two at the time.

What Leslie had to explain was that he was leaving his wife and moving to Seattle with a young paralegal in the office, a girl named Lisa Podolfski. When Bernstein asked his son if he had thought this through, Leslie replied, with some impatience in his voice, of course he had. When Bernstein next asked if he was prepared to accept his responsibilities as a father, Leslie countered that he would do everything he could at a distance of two thousand miles. Why Seattle? Bernstein wanted to know. Because, Leslie explained, he had lined up a job with an important law firm there. And besides, it was a beautiful city, one of the prettiest in America.

As a lawyer, Leslie had to know that the Shapiros were a family that played hardball. Bernstein reminded him that no injury was more personal than divorce; they weren't about to let him off the hook. Miriam Shapiro would want to exact vengenance, see that her ex-son-in-law paid till it hurt. There were ways of fighting that, Leslie replied. He wasn't, after all, himself a lawyer for nothing.

The long and short of it was that a year and a half after Leslie left his wife, his new lady friend had left him. Two years later, he stopped coming in to Chicago for his regular, legal visitations with his son: a month in the summer, a week in the spring, another week at Christmas. As far as Bernstein knew, Leslie kept up alimony and child support, but he had cut himself emotionally free. He claimed the visits with the boy were too stressful—that was the word he used, *stressful*. And, besides, he said, Nathaniel's mother and grandmother had poisoned the boy against him.

At Sylvia's funeral, Leslie told Bernstein that of course he had a bad conscience about Nathaniel, but what was he supposed to do? He brought along with him a young woman with blond hair flowing down her back named Yolanda with whom he was living at the time. He had a permanent, and was wearing a gold chain around his neck. Leslie, thought Bernstein at the time, Leslie, my son and heir, you are a phony and a *putz*.

BERNSTEIN awoke with a jolt and a sour taste in his mouth. Indigestion? Heartburn? He had difficulty swallowing. His left arm felt numb. Everyone knew this left-arm business was the first sign of a heart attack, so he had to be careful he wasn't imagining symptoms that weren't really there. He rose from the couch. He was all right on his feet; not shaky or anything. But the sour taste wouldn't go away, even after he had walked into the kitchen and rinsed out his mouth. The constricted feeling in his chest, caused by heartburn or heart attack or some hot peppers he had had for lunch or whatever the hell it was, refused to go away. Breathing wasn't easy. He slipped into his pants and, in some pain, bent over to lace his shoes.

The nearest hospital was St. Francis, in Evanston. Bernstein decided not to call an ambulance but to drive. He did so easily enough, though the traffic light at Western and Howard seemed to last for a goddamn fiscal quarter. He heard a voice say, in Petrovich's greenhorn accent, "I wake this morning, I never dream I have heart attack." He parked on the street and walked into St. Francis through the front door, asking the way to the emergency room. The numbness in his left arm and shoulder seemed so insistent as to be humming.

They strapped him to an EKG machine, which

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revealed that his heartbeat was irregular, though only slightly so. They gave him some pills. They suggested he stay the night for more tests, which he agreed to do. The next afternoon a cardiologist named Arnold Meyers, a man in his forties with a manicure who seemed too well-dressed and who knew his son's former in-laws, recommended that Bernstein undergo a bypass operation. His heart attack—yes, it had been a heart attack all right—was a minor one, but a harbinger of worse to come.

"What if I do nothing?" Bernstein asked. He saw all those men walking around the Horwich Center with their elaborate, zipper-like scars: up the leg, where the vein had been taken out, across the chest, where it had been sewn in. He'd heard stories about the post-operative depression a lot of guys went through.

"If you do nothing," said Dr. Meyers, more than a touch of menace in his voice, "you are likely to die some time within the next two or three years. You figure to have a number of these attacks, to grow weaker and weaker, and, owing to the absence of oxygen getting to your heart and finally to your brain because of your clogged arteries, a final stroke or heart attack will take you."

"How soon you want to do this surgery?" Bernstein asked.

"The sooner the better, of course. But it's probably best not to put it off for more than a few weeks. Fortunately, this last little attack—and there may have been others—did not do damage of a kind serious enough to prevent surgery."

"I'll get back to you," Bernstein said, buttoning his shirt and eager to be the hell out of the hospital.

Before he reached home—less, that is, than twenty minutes later—Bernstein had decided not to go ahead with the surgery. What did he need it for? He didn't feel like putting himself through the ordeal, and he didn't feel like changing the way he lived, which this young doctor claimed he would have to do even if the surgery succeeded. Lots of guys checked out on the operating table—no guarantees there. Heart attack or stroke, when you came to think about it, weren't bad ways to go. Both beat slow cancer deaths, let alone an extended nightmare like Alzheimer's.

Bernstein was alone in the world. Nobody depended on him. He'd had his innings; he'd had a pretty good roll of the dice. So he wouldn't get to eighty—the age at which his father died and which he had always thought he would reach. But he had a shot at seventy: three score and ten, the traditional biblical life span. No need to be a pig. He would settle for seventy.

At home, Bernstein popped in a Stouffer's Salisbury steak, opened a small can of corn niblets, another of stewed tomatoes, which he set to warming on the stove. He checked the calls on his answering machine. Only one, from his former daughter-in-law, Deborah. "Dad," the message went, "I could use your help this weekend with Nathaniel. Please call when you have a free moment."

While his steak was still in the oven, Bernstein dialed Deborah.

"Oh, hi, Dad," she said in her slightly distracted way. "You got my message?"

"Of course," said Bernstein. "What is it? Nothing wrong with the boy?"

"Nothing at all. Why I called is that I've been invited to spend this weekend with friends in Wisconsin, at Green Lake, and there aren't going to be any children there. My parents are in Palm Springs. And I was wondering, if you're free, if maybe Nathaniel could stay with you?"

"Sure," Bernstein said. "When do you need me to pick him up?"

"It would be great if you could come get him on Friday afternoon. I'll be back by early Sunday evening."

"No big problem," Bernstein said.

"Thanks a million, Dad. You're a lifesaver."

THAT Friday afternoon, on his way to pick up his grandson, driving out to Highland Park along Sheridan Road, the fine trees forming a tunnel overhead, the mansions on the lakeside of the street seeming as impressive as ever, Bernstein thought about his death. Now that he had made the decision to forgo surgery, the weather, which he had never been all that concerned about, somehow seemed more important. His days, he now knew, were numbered, and he wondered what their final tally might be: 396, 582, 712? He hoped that when the moment came he might be at home, alone, no hospitals, no tubes in his nose or catheters up his gazoo. If he was lucky, he would expire without too great a struggle: a choke, a cough, a battle for breath, over and out.

His business was in order. He had a will. He had an insurance policy worth two hundred grand. He had another hundred fifty grand and change in savings, mostly in CD's and Israel bonds. Bernstein didn't think the stock market was for little guys like him, and so had stayed away from it. His house was worth maybe another hundred and a half. All this would go to his son. It would buy a lot of Italian suits and loafers—buy lots of dinners for lots of Yolandas. Bernstein didn't much like to linger on the subject.

As for what waited on the other side, there, Bernstein assumed, was nothing. Lights out. Oblivion. End of story. He was someone who had honored his religion without observing it. He had put Leslie through Hebrew school, just as he had himself gone as a boy, but the truth was he never could visualize either God or heaven. Yet, he now thought, he had always acted as if there were a God. He had tried to be hardworking, faithful, honorable, decent, within what you might call big-city limits. He was no angel, but neither was he a son-of-a-bitch. He tried to do what was right.

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What was disappointing, as he now thought about it, was that he hadn't made any real difference to anyone else's life. Not even to Sylvia, who was very self-sufficient and who, had she not met and married Moe Bernstein, would probably have had a similar life with someone else.

Bernstein parked his Buick at the side of his daughter-in-law's house, the same house for which he had lent his son twenty-five grand for the down payment. Two Mexicans were working in the yard. Deborah's red Toyota was in the open garage.

"Oh, hi, Dad," Deborah said when she came to the door. She put out her cheek for Bernstein to kiss. They were a very kissy family, the Shapiros. Bernstein was not from the ready kissers, and always found greeting his ex-daughter-in-law a bit awkward.

Deborah, now in her mid-thirties, was starting to show her mileage, mostly around the eyes, which looked to Bernstein sad and tired. A woman raising a little boy alone had no picnic; Bernstein, though he did not care much for Debbie, allowed her at least this much.

"How go things with Leslie?" she asked, when Bernstein had come in.

"He's pretty well," Bernstein said, knowing this line of questioning was as unpromising as it was inevitable. "You know Leslie."

"Yeah," she said, "I know Leslie."

"Where's Natey?"

"Nobody ever calls him that," she reminded him.

"So what do I call him?"

"Nathaniel," she said, "everybody calls him Nathaniel."

She called her son to come down, handing Bernstein a small suitcase she had packed for him. She also gave him a bottle of pills for Nathaniel's allergies and a piece of paper with a telephone number where, in case of a crisis, she could be reached. Bernstein had long ago been informed that Nathaniel was allergic to grass and dust. There wasn't much to be done about it. Apart from building the kid a cottage on the moon, or letting him live in an igloo, he was always going to be vulnerable.

Vulnerable is how Nathaniel looked as he came down the stairs. He was thin, he wore glasses, and as if—toss in his allergy—that wasn't enough, this past winter he had had braces put on his upper teeth.

"Hi, Grandpa," the boy said.

"How are you, son?" Bernstein replied. "Ready to live the hard bachelor life with your grandfather?"

"I guess so." Nathaniel did not sound very enthusiastic.

"Kiss your mother goodbye," Deborah said, "and don't forget to take your allergy pills. Grandpa's got them."

Bernstein noted the boy's scrawniness, in his T-shirt and shorts, as he permitted himself to be hugged by his mother. Bernstein waited outside, a few steps down the walk, to avoid the awkwardness of another kiss from his former daughter-in-law.

"Thanks again, Dad," Deborah said, "I'm really very grateful."

In the car, Bernstein didn't have to tell his grandson to buckle up; the boy did it automatically. He was a cautious kid. On the way back to West Rogers Park, Bernstein asked a number of questions that didn't seem to lead anywhere. Was he looking forward to going back to school in a few weeks? What were his current interests? What was the meaning of the turtles on his shirt? As Nathaniel explained the mysteries of the Ninja, Bernstein's eyes began to glaze. It occurred to him that he would not be alive to see this boy turn thirteen.

They stopped to pick up a few videos, and at home Bernstein put a couple of chicken pot pies in the oven. He asked Nathaniel if he'd like a glass of ginger ale, but the boy said he'd prefer milk, which Bernstein didn't keep in the house; he gave him orange juice instead. After dinner, they ate ice cream in the den, where the cartoon videos Nathaniel had selected quickly put Bernstein to sleep.

"Grandpa," Nathaniel said, "Grandpa, better get up. It's eleven o'clock."

Bernstein awoke in a daze. Nathaniel had already taken the videos out of the VCR and removed and washed their ice-cream dishes. He was, Bernstein began to sense, used to looking after himself. After all, his mother, who had long ago left teaching and now worked as an interior decorator, wasn't always home when he returned from school.

Nathaniel slept in pajamas, Bernstein in a Lawson YMCA T-shirt and his boxer shorts. He put Nathaniel in the bedroom with the Walter Payton and Babe Ruth photographs. Tucking the boy into bed, Bernstein wasn't sure whether or not he was supposed to kiss him goodnight. But as he put his grandson's glasses on the night table, he leaned down and kissed his forehead.

" 'Night, Grandpa."

" 'Night, kid," Bernstein said. "Don't let the bedbugs bite."

"What's that mean?"

"It's a long and an old story, kiddo. It goes back to when people were poor and didn't always live in the best conditions. I'll explain in the morning. Sleep well."

At 2:37 by his digital clock Bernstein awoke to the sound of sobbing. He found his grandson crying in his sleep. Instead of turning on the light, he picked the boy up and brought him into his own room, setting him down on the bed as gently as he could so as not to wake him.

"OK, sweetheart," said Bernstein, lightly pat-

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ting his grandson's back with his callused hands, "it's OK, nothing to worry about. Your grandpa's with you. Nothing bad's going to happen."

Soon the sobbing stopped. Bernstein lay down next to the boy and slipped his arm around him. His thick hairy arm touched the boy's ribs. God, the kid is thin—this was Bernstein's last thought before he fell off to sleep.

NEXT morning Bernstein rose at his usual six o'clock and, before showering, ducked out to the Jewel to pick up some milk, hot dogs and buns, potato chips. He also bought a pound of corned beef and a rye bread in the deli section.

When he returned home, Nathaniel was awake. "Grandpa," he called out as Bernstein came in through the back door. He was sitting in front of the television, watching cartoons, in his pajamas and robe.

"How did I get in your bed last night?"

"I was wondering that myself," Bernstein said. "I'll bet you sleepwalked. I was glad to have you there, though. It was cold for a summer night. Now what d'you want for breakfast? How about I scramble up some eggs for us? Or make French toast? Your grandma taught me years ago to make very good French toast."

"I've already had my eggs for the week," Nathaniel said.

"How many do you have?"

"Mommy doesn't think it's a good idea to eat more than two eggs a week. She watches our diets."

"What can you eat?"

"How about some juice and toast and yogurt?" said the boy.

Nathaniel ate his toast without butter. Bernstein had no yogurt in the house. After they both showered, Bernstein asked his grandson to help him mow the lawn, but soon saw that the boy didn't have much strength or endurance. When Bernstein asked if he wanted a Coke with his lunch, Nathaniel said he'd prefer Perrier, which Bernstein didn't have. The kid just nibbled on the corned-beef sandwich Bernstein made. His stomach was easily upset, he confided, and he wasn't supposed to eat spicy foods.

The Cubs were out of town, but through his friend Irv Brodsky, Bernstein had been able to get a couple of tickets to the White Sox game that night. Nathaniel was not exactly thrilled at the prospect. Bernstein knew the kid wasn't much of an athlete, but now he learned he had no interest even in watching sports. The only things he played, it seemed, were computer games.

"Your dad is a big sports fan, you know," Bernstein told him. "When he was a kid he knew everything there was to know about every active player in both leagues and a lot about some players long dead."

"I guess I didn't know that," the boy said.

Bernstein remembered that Leslie had left when Nathaniel was only two. His other grandfather apparently hadn't spent all that much time with him, either, and after the divorce Bernstein too had tended to drift away, the ambiguities of dealing with your son's ex-wife being too complicated for him, especially after Sylvia died. He sent his grandson a birthday gift, gave him another at Hanukkah, and saw him at most four or five times a year. Sometimes he would have a guilty conscience and would telephone, but the conversations were always unsatisfactory. Like the other men in Nathaniel's life, Bernstein, too, had checked out.

"Look," he now said. "We don't have to go."

"It's up to you, Grandpa."

"No, Natey, it's up to you. I want you to enjoy yourself. How about we go out to dinner and rent another movie? Does that sound good?"

"Fine, Grandpa," the boy said, looking up through his thick glasses. Bernstein had the feeling that his grandson was accommodating him, not the other way around, and felt a surge of love for the boy. He found himself wondering how things might turn out if he, Bernstein, were to raise him. He would do a damn sight better job than his mother, or than he himself had done with Leslie. He imagined taking the boy with him to a place like Arizona, where no one knew either of them, and teaching him all he knew about being a man and surviving in a tough world. But this was pure fantasy, not something Bernstein normally allowed himself to indulge in.

They ate at a Greek restaurant on West Devon, in Lincolnwood, after stopping to pick up an old Lassie movie. At dinner Bernstein told Nathaniel about all the great animal movies he remembered from his youth: *Rin Tin Tin*, *Lassie*, *My Friend Flicka*, and others whose names he couldn't now recall. At home, he was surprised to learn that the hero of the video they had rented was a young Peter Lawford—in later life, apparently, a stooge for Frank Sinatra and a procurer for President Kennedy. Wonderful English accent, though.

"Grandpa, Grandpa," Nathaniel said, rousing Bernstein gently. Once again he had fallen asleep, and once again the boy had rewound and taken out the cassette.

"Did things work out OK, Natey?" Bernstein asked. "Lassie come home all right?"

"Yeah, Grandpa," the boy reported, seriously, "it all worked out fine."

Upstairs, they brushed their teeth together, the boy in his pajamas, Bernstein in a T-shirt that read "B'nai B'rith Handball Championships, Men's Seniors, 1979." Nathaniel asked for dental floss, but Bernstein had none. He made a mental note to stock the joint with yogurt, Perrier, and dental floss for his grandson's next visit. He wanted to ask if Nathaniel would like to sleep in his bed, but decided not to, lest the boy think his grandfather was babying him.

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BERNSTEIN awoke on Sunday morning, the sun shining into his room, the acrid smell of urine in his nostrils. Nathaniel's room was empty, the sheets stripped from the bed. He called out his name, and the boy answered from the basement. There, in his jockey shorts, a sharp bone protruding in a little bump from each of his shoulder blades, Nathaniel stood near the washing machine, trembling. A wash was already churning away.

"I had an accident, Grandpa," he said, remorsefully.

"I see that," Bernstein replied. "Are you OK?"

"Yeah," said Nathaniel. "I'm OK. I'm sorry I made a mess."

"Don't worry about it," Bernstein said. "C'mon upstairs, I'll give you something to wear."

Back in the kitchen, Bernstein poured orange juice for the boy, who was swimming in his grandfather's Detroit Senior Nationals T-shirt.

"Natey," said Bernstein, "does this happen to you often?"

"Just every once in a while," said the boy. "Dr. Holtzman tells Mommy it's nothing to worry about."

"Dr. Holtzman?"

"She's Mommy's therapist. Mine, too."

"You see a therapist?"

"Yes."

"For how long has this been?"

"Three years."

"How often?"

"Just once a week."

"What do you talk about?"

"Mostly about my missing not having a father and stuff."

"But you have a father."

"You know what I mean."

Again Bernstein had a desire to pick the boy up, load him into the Buick, and just drive off. They'd buy clothes later. He'd take over the job his own son had quit. Toward this child with his glasses and braces, this bed-wetter and sobber in his sleep, worried at age eight about his diet and already seeing a therapist, toward this small bundle of bones and anxieties, not at all the sort of grandchild he would ever have imagined having, Bernstein felt a stab of protective love such as he had never felt before in his life. Listening to his grandson recount his sessions with the therapist, Bernstein went foggy in the eye and had to hold back the desire to weep.

A handball game had been scheduled that afternoon, and so Bernstein took Nathaniel along with him to the Horwich Center. He introduced him to Levin and Brodsky and Melman.

"How are ya, Nate?" Brodsky asked. "Gonna be a handball player like your Grandpa?"

"Probably not," the boy answered, humorlessly.

"I suppose a handball genius like your grandfather comes along only every four generations or so," said Lou Levin.

"He's teasing me, not you, Natey," Bernstein said. "I'll make him pay for it on the court in a minute or two."

The four old athletes suited up for their game, slipping into their jocks and sweat socks, shorts and shoes, putting on their special bandages and supports: Bernstein his knee brace, Melman a pad for his left elbow, Brodsky an Ace bandage around the thigh, Levin his corset for a back that tended to go out on him.

After whapping the ball around for a half-hour or so, Bernstein took one low off the back wall with his left hand and zapped it, cross-court, into the crease of the front wall on the right—a winner, a zinger, a beauty. He looked up to the balcony where his grandson stood watching. Bernstein waved, the boy waved back, flashing a dark smile with his wired-up teeth. "Great shot, Grandpa," the child yelled. Bernstein's heart jumped.

LATER that afternoon, driving Nathaniel home, impressed as always with the lushness and wealth of Sheridan Road along the North Shore, Bernstein could not help thinking of all the secret miseries, little and large, that must reside in these vast homes with their tennis courts, German cars, and healthy-looking daughters with suntanned legs. People passing his own ex-daughter-in-law's house, with its careful landscaping, could not know that it sheltered a sweet and sadly screwed-up little boy.

"You know, Natey," Bernstein said. "I was fourteen when my father died. So I know a little bit about living without a father. Maybe not as much as you, but a little bit."

"Did you love him, Grandpa?"

"I guess I did, Natey, but you know, I never really saw all that much of him. He was from the old country, Russia, and he worked in the produce market on Fulton Street. He used to go to work at four in the morning. When he'd come back at four or so in the afternoon, he was pretty tired. He had a strong foreign accent, my father, your great-grandfather. He worked very hard. He didn't have a lot of time for his children or for anything else but his work."

"Did you miss him when he died?"

"I did, Natey, but I knew that life had to go on. Just like it has to go on for you. You drew a terrible card, having parents who couldn't live together; and then another bad one when your Dad moved to Seattle. But, you know, you can't let that knock you out. You've got to be tough. You've got to survive so that some day, when you're a father, you'll never do anything to cause your own son or daughter to feel all the sad feelings you've had to feel."

The boy didn't reply. He was looking straight ahead. Bernstein silently cursed the seat-belt, which prevented him from pulling the boy closer, slipping an arm around him, kissing the top of his head.

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"I can't promise you things are going to work out, Natey. I wish I could. Life's a tough pull, if you know what I mean. But you can't let it beat you. Sooner or later, everyone is called on to be a man. Your problem is that you've been called on much earlier than most guys. But you've still got to try. You've got to give it your best shot, you know what I mean, Natey?"

Bernstein's words suddenly sounded hollow to him, a combination of psychotherapist, rabbi, and Knute Rockne. In the end, after preaching to the boy, he, too, would drive away. Another bullshitter. Words weren't going to help his grandson. This was a boy whose life was missing something no words could ever give back. If the sins of the fathers are supposed to be visited on the sons, Bernstein thought, maybe it also worked the other way around, and this was his turn to pay.

"Natey," Bernstein said, as the Buick pulled up in the driveway before the boy's house, "would you by any chance like me to teach you to play handball?"

"Would you have time?"

"I'll find time. It's a great game, and I'd really like you to learn how to play it."

"I'm not sure I can do it, but I'll try."

"You can do it, Natey. It's in your blood. Suppose I pick you up next Sunday morning. You'll come with me to the Center and we'll work out for an hour before my game with the boys. You'll warm your grandpa up. How's that sound?"

"It sounds like fun."

The boy released his seat-belt buckle. Bernstein got out of the car with him, handing him the small suitcase from the back seat. He put out his hand, then pulled the boy toward him and hugged him, patting him gently on the back.

"Next Sunday at eleven. Bring your gyms and a pair of shorts."

Holding his suitcase against his thin leg, the boy waved as Bernstein backed out of the driveway.

ON MONDAY, at ten of twelve, just before breaking for lunch, Moe Bernstein called Dr. Arnold Meyers from a pay phone on Roosevelt Road to announce he was ready to schedule bypass surgery.

"No doubt about it, absolutely none, Mr. Bernstein," the young cardiologist said, in a somewhat smarmy voice, "you've made the correct decision."

A good deal less than certain himself, Bernstein hung up and stepped around the corner into Manny's Delicatessen, where he ate a four-inch-high pastrami sandwich on a kaiser roll, a potato *latke* the size of a cake dish, and a heaping serving of rice pudding, all washed down by two cups of black coffee. Sure, OK, all right, let them cut out his whole heart. But if they thought they could change Moe Bernstein, they had another think coming.

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Washington Meets the New "Barbarians"

Charles Horner

IN THE wake of the Republican landslide, the liberal doyens of the Washington establishment, never much for gallows humor, find themselves able to laugh only weakly these days whenever the "denial-of-death" metaphor predictably appears in one or another piece of political commentary. The paradigm made popular by Elisabeth Kuebler-Ross—the progression from denial and rage to resignation and acceptance in the face of imminent death—hits a bit too close to home. For they understand that they must now find their way to a state of inner peace and to a final embrace of their fate. It is just that they are not quite there yet.

At the moment, the imagery they invoke—always self-referential and invariably ignorant of its true origins—remains sometimes Gibbonesque (the Visigoths are at the gates of Rome, about to sack the city; can it save itself?); sometimes Dostoevskian (anarchists, constrained by no known moral code, are engaging in seemingly random bomb-hurling; is this merely a political tactic?); sometimes unwittingly reminiscent of verses from their one and only undergraduate poetry course, "Yeats and Eliot" (things are falling apart; the center is not holding; is our world ending with a whimper, or a bang?).

Meanwhile, the Republicans are in a much different, and not particularly reflective, state. Instead, they are very busy. Their congressional victory, especially in the House of Representatives, has launched them into frenetic activity resembling nothing so much as a military campaign.

SOMETHING comparable in spirit to 1994 occurred fourteen years ago when, in the wake of Ronald Reagan's first victory, the operation was directed toward the takeover of the executive branch. Inevitably, the "grunts" of that earlier campaign are far too feeble these days for real hand-to-hand political combat; most have been kicked upstairs to strategy and planning, if they are enlisted at all.

In their reflective leisure, like all old veterans, they have taken to telling tales of the time when it was their turn to hit the ground running or, better, to hit the beach and secure the foothold, while others parachuted behind the political enemy's lines, the better to disrupt his operations, sow confusion, and prepare for his final envelopment.

It is easy to contrast that experience and its meaning to what is going on now. Perhaps the most critical difference has to do with a sense that these boys of '94 have seized control of a federal government (or at least a major chunk of it) that is simply not the prize it once was, that there is no longer very much useful they can do with it now that they have it, and that even total success in the present and necessary endeavor of whittling it down to size will not be as heroic as the partial success of the prior campaign to bend it to at least one valuable purpose.

Admittedly, this sense of things may reflect only one former paratrooper's inability to see the big picture, either then or now. But in 1980 my outfit had a very specific reason for wanting to seize control of "the state," and that was to wage the cold war. It was obvious even to those of us who had been educated to see the growth of state power as malignant that we needed that power in order to wage that war. Indeed, the historians among us knew that the state had reached its awesome size primarily because of that very war, even if this was not where it spent most of its money.

Moreover, compared to our then-new Commander-in-Chief's injunction that the cold war be fought to actual victory, and weighed against the prospect that the greatest conflicts of the century—between democracy and totalitarianism in politics, and capitalism and Communism in economics—might conceivably be resolved at last, other considerations simply paled.

In any case, my own unit, if it consisted of Republicans at all, had only newly-minted ones; but that was no disability in the foreign-policy realm, where the chief himself was far more Harry Truman than Robert Taft.

In this one respect, we boys of '80 cannot be overly impressed with the hate-objects of '94, for *we* took on the mighty Soviet empire. The EPA, OSHA, and FERC may be formidable foes, but they are not armed with nuclear weapons. (The Department of Energy, however, is so armed; it actually manufactures the things.)

On the other hand, the fact that circumstances have become less frightful has not led the boys of '94 to self-indulgent giddiness or frivolity. Rather, it has propelled them into resuming a venerable, temporarily frozen, discussion in our country about the fundamentals of the political order and the philosophical, especially moral, basis of our civic affairs. This discussion promises to pay attention to great constitutional questions—involving the relations among branches of the national govern-

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ment, as well as the relations between the national government and the states.

ON THIS score, some of us, their more experienced—more jaded?—predecessors, have started to be concerned on behalf of the boys of '94, not because we fear that they will sell out but because we have been trained to worry about what may happen to them if they do not. Drawing on our own experiences of a half-generation ago, we wonder why the new arrivals fail to see the threat that abides. And then the thought occurs that perhaps they have already realized something that has not yet dawned on us worry-warts: that there is no longer anything to fear or, at least, no longer anything like the fear that frequently constrained our own sense of possibility in the early Reagan years.

In those days, for all the outward *brio*, there was a deep apprehension that conservatives, although now enjoying political power, lacked the ability to confer true public honor (which, so our mentor, Aristotle, had taught us, was a thing that all men craved). This meant that many of us had, in large measure, a very practical dependency on the good opinion of assorted style-setters, trend-starters, and phrase-makers—all of whom were liberals, of course.

It was only prudent to keep a watchful eye on these people when careers could be interrupted, reputations destroyed, future livelihoods jeopardized—not to say subpoenas issued and grand-jury testimony compelled—if one were defined as of the wrong sort. Republican-controlled Senate and Reagan in the White House or no, one soon figured out who really could speak his mind and who could not, who would be dubbed "a person of principle" and who "an ideologue," who "a man of unshakable conviction" and who just "mindlessly rigid." The liberal system thus imposed its disciplines upon us, and relentlessly reinforced its bedrock idea that we were in Washington on its sufferance.

Far more than it cared then to admit, the Right—to borrow an engaging term from the contemporary Left—internalized its own oppression. Over time, it became very important for many conservatives to hint or insinuate that they were *different* from the "primitives" with whom they were associated. Such behavior often involved more than a little dissembling, and more than a little feigned jollity also, attributes one traditionally associates more with the slave than with his owner. And inevitably, as much great literature reminds us, what might have begun as self-consciously adopted behavior could gradually become habitual, until the man who once thought of himself as free actually came to manifest the mental habits and personal appurtenances of a slave. In the end, such a man started to honor himself for his ability to mislead his masters, thinking this behavior wonderfully clever rather than just merely debased.

THESE are bad habits, as we all know, which is why we praise the Almighty for allowing the children of Israel to wander for 40 years in the Sinai wilderness. His theory was that the generation of men with the mindset of slaves needed to die off before the Holy Land could be properly recovered.

The symbolic symmetry between those four biblical decades and the four decades since Republicans last controlled the U.S. House of Representatives is, of course, too cute, especially since the Republicans had already been gradually transforming themselves along the way.

One could have noticed it in 1990, when in the House they rebelled against President Bush's about-face on taxes, or when, to a member, they voted against President Clinton's proposed budget in 1993; or in the summer of 1994, when the same members gradually shook off the accusations of "gridlock" by their self-appointed betters, and showed absolutely no compulsion to "cooperate." By late 1994, even before their electoral victory, the younger ones were already talking back to television interviewers and, by the end of the year, they were positively uncontrollable, even by the moderators of the Sunday-morning broadcasts.

These new Republicans seem wholly uninfluenced by a desire to be among the "best and the brightest," see no particular value in Yale University—especially since it is Yale's law school, after all, which produced not one but both of the Clintons—and have never heard of McGeorge Bundy or William Bowen and, therefore, care not at all whether either one has heard of them. Nor do they seem to be lusting for the approval of liberal editorialists and other such reputation-makers. They prefer the praise of a radio talk-show host to the parties of a Georgetown hostess.

ALL this may be yet another example of how tensions between the "culture" and the "polity" can resolve themselves. Fifteen years ago, the hostility between "activist conservatism" and "polite society" was bitter and pronounced. There is still much acrimony yet to come, but today the trend is clear. Slowly but surely, and to the increasing consternation of polite society, the struggle is to the advantage of the conservatives. It will be fun while it lasts.

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The Company They Kept

BETWEEN FRIENDS: THE CORRESPONDENCE OF HANNAH ARENDT AND MARY MCCARTHY. EDITED WITH AN INTRODUCTION BY CAROL BRIGHTMAN. *Harcourt, Brace. 392 pp. $34.95.*

Reviewed by MIDGE DECTER

THE two women first met in 1944, when Mary McCarthy was married to the famous literary critic Edmund Wilson, her second and soon-to-be-ex-husband, and Hannah Arendt was, as they say, only three years off the boat from Nazi Europe. In her final book of memoirs (posthumously published in 1992), McCarthy tells us that from the very first moment of her marriage to Wilson, he was embarked on a campaign to convert her from a critic to a writer of fiction. (She published her first collection of stories, *The Company She Keeps*, in 1942.) For her part, Hannah Arendt was just beginning to make her way as a refugee scholar and political philosopher into New York intellectual life.

According to Carol Brightman, the editor of this new collection of their correspondence and the author of a more or less authorized biography of McCarthy, the two women admired one another immediately, though there is no record of any letters between them for another five years. But from then on, they corresponded for nearly a quarter of a century, until Hannah Arendt's death in December 1975.

It must be said that in the aftermath of only two decades, the letters make rather curious reading. To begin with, the friendship of these two women, clearly a deep and loving one, was itself more than a little mysterious. In the course of the years covered in this volume, both were to become world-famous—but that, while to be sure not a negligible ground on which to build social relations, is not an adequate one, either. Mary McCarthy, half bohemian literary lady and half would-be arbiter of high Wasp taste, seems an odd companion of the soul to Hannah Arendt, who was herself half and half of something very different—half relentless and imposing intellectual and half *gnaedige Frau*.

McCarthy, for example, was positively addicted to malice. It was, you might say, her basic mode of apprehension; virtually no one who swam into her ken was ever permanently exempted from her lust for seeking out the frailties of others. This was, indeed, part and parcel of her gift, and no matter how often she might try to overcome the addiction and become an earnest person, she could never stay on the wagon for long. Whatever writing she did without at least some of the propulsive energy of this true appetite—her two nonfiction books on Venice and Florence, say—seems forced and somewhat wan.

Arendt, on the other hand—with a few rather clumsy exceptions, dragged into her letters, one cannot help feeling, in tribute to McCarthy—was rather too lofty to amuse herself with merely clever unkindnesses. In these letters, if and when she takes out against someone or something—and she often does: the Jewish "establishment" preeminently, as well as a number of her associates in the intellectual community—it is with the lofty air of someone who has found herself wandering in a wilderness full of pygmies.

Then again, McCarthy's mind was a kind of messy jumble of the trivial and the serious: gossip and clothes and literature and decor and politics and food and art all on a single plane. And she could go at all or any of it with equal fervor. This sometimes made her the best and most amusing of companions and sometimes left her seeming little more than a lively but rather reckless girl. Arendt's mind, by contrast, was given to "thinking through" things—including (as she at one point here discusses a project for a new book) thinking about the mind's own thinking. This often made her seem considerably more Germanic and forbidding than she in fact was. In any case, though both were brilliant and formidable women, each in her own way, together they were, and remained, an odd couple indeed.

Furthermore, considering the number of years it was carried on, the correspondence seems surprisingly thin—certainly by the standards of letter writers of an earlier day. And a fair number of these letters are little more than notes: won't you come to visit?; I'll be arriving in your neighborhood on thus-and-such a date, when can we meet?; thank you for the flowers (they seem to have sent each other numberless bouquets); and so on. Nor do their letters bristle with wit or, except now and then, purvey the kind of literary or political news or give us the kind of vivid sense of the era in which they were written that so often makes posthumous correspondence at the very least great fun to read. It is possible that, spending as much time together as they managed to do in spite of many years lived on separate continents, they saved the juiciest bits for conversation.

STILL, in the end these letters do evoke something of a lost and irrecoverable generation.

The first one, dated March 10, 1949, is a brief admiring note Arendt sent McCarthy about the latter's new novel, *The Oasis*, calling it "a pure delight" and "a veritable little masterpiece." Now, notes of this kind to authors have been known by themselves to cement friendships for life. And for McCarthy, there was the additional fact that a number of the people who had been close to her, far from regarding *The Oasis* as a "little masterpiece," had respond-

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ed to the book by determining to excommunicate her.

For *The Oasis* happens to be a completely undisguised and thoroughly mean-spirited *roman à clef* about a group of McCarthy's friends, among them the co-editor of *Partisan Review*, Philip Rahv, the man she had betrayed and whose heart she had broken when she married Edmund Wilson; and its publication had set off a noisy (though in the end short-lived) vendetta against her. One can imagine, then, in the midst of all this, her response to receiving Arendt's praise and support.

The next letter is dated two years later, in 1951, and this time is a letter from McCarthy to Arendt about the latter's *The Origins of Totalitarianism*. It can hardly be said that McCarthy's letter was a case of reciprocal kindness, since *Origins*, far from requiring support from a friend, had immediately established Hannah Arendt as a major international figure. The letter is, rather, a long and earnest analysis of Arendt's achievement, and an invitation to discuss certain points in the book about which McCarthy has a question or two. (There is no documentation of Arendt's response, if any.)

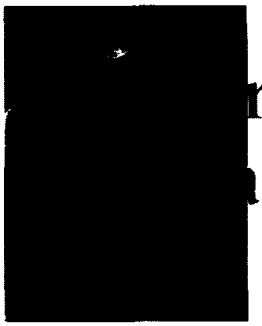
This founding exchange, as it might be called, goes some way toward defining the relation of power between the two women. Through the years, McCarthy frequently engages Arendt in some difficulty she is having. For one thing, she is much bothered by ill health: nothing major, at least nothing lasting, but she suffers one bout of illness after another along with a whole variety of medical problems, including a miscarriage when well into her forties.

Then there are the betrayals at the hands of her critics: McCarthy suffers a number of these, particularly with the publication of each of her novels. Especially hurtful is her experience with *The Group* (1963). For while this novel becomes a best-seller, providing her with a great deal of money and really for the first time establishing her as a literary figure far beyond her coterie in literary-intellectual New York, once again that world is not kind. Along with an unflattering review of the book by Norman Mailer, the *New York Review of Books*, a journal that should by rights have been a source of loyal support, publishes a burlesque of McCarthy's style by, of all people, her good friend Elizabeth Hardwick. (Hardwick's send-up of *The Group* is in fact a little classic of the genre, done with perfect pitch and very funny—which perhaps goes to show that, in her circle, McCarthy was not without competition in the malice department.)

Beyond all this, McCarthy has a great deal of trouble with men. By the time the correspondence commences in earnest, she is divorced from Edmund Wilson and married to Bowden Broadwater. Later, in 1960, she will throw Broadwater over for James West, an American diplomat whom she meets while lecturing in Poland and a man who, as it happens, already has a wife and two small children. In between, there is at least one aborted *grand amour* in London, in which she behaves like an infatuated ingenue and is in return thoroughly humiliated. And finally, both West's divorce and hers turn out to be far less easy to accomplish than she thinks they should be. She is much worried about the West children and their relation to their father. She is worried, too, about her own son, Reuel Wilson.

ALL this McCarthy confides over the years to the ever-wise, ever-sympathetic, ever-loving Arendt, who listens, soothes, offers wise counsel, praises, pets, and sometimes gently offers instruction on, say, the meaning of a passage in Kant that McCarthy wishes to use in her novel, *Birds of America*. But—and this is key—Arendt confides virtually nothing of her own private problems in return. We learn from her letters about her schedules, her itineraries, her appointments to teach in this or that university, a few but not all of her many thoughts on this or that subject, and her concern for the health of her husband, Heinrich Bluecher, who otherwise remains here an entirely unexposed part of her life.

Just once are the established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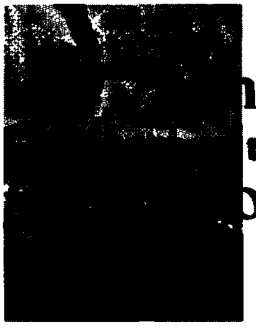
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roles reversed: when, in 1963, Arendt's book about the Eichmann trial, *Eichmann in Jerusalem*, rouses a storm of protest, particularly among Jews, and is greeted by a large number of extremely hostile reviews. McCarthy—still smarting at the treatment accorded *The Group* by the *New York Review of Books*—sets out to organize a defense of Arendt, and especially an attack on her attackers; ultimately, she writes one such defense herself, which appears in *Partisan Review*.

For Arendt, serious public hostility of this kind was clearly a new and unexpected experience. (In fact, she would never get over it.) In these letters she concludes that the reviews are part of a political campaign against her, "led and guided in all particulars by interest groups and government agencies." To this last form of reasoning, McCarthy makes no specific response, though she shows herself more than willing to join in Arendt's judgment of the Jews and of the state of Israel.

For the rest, however, and though the two are only six years apart in age, McCarthy somehow continues to seem like a needy girl and Arendt like the elder she depends on—a teacher, perhaps, who is responsible for passing her on to a higher grade, or a loving aunt in whose care she has been left.

AND what, in all this, of politics? After her marriage to James West, McCarthy settled in Paris, where West had been seconded to the Organization for Economic Cooperation and Develpment (OECD). Arendt, except for semesters as a guest professor at Princeton, Cornell, and the Committee on Social Thought at the University of Chicago, remained in New York, where she would at some point be given a permanent appointment at the New School for Social Research. So their correspondence in the late 60's was carried on in two hotbeds of political activity and against the backdrop of civil disorder, student rebellion, and the war in Vietnam, whose shadow would fall across American life for years to come. Yet considering the turmoil with which the two were surrounded, the letters seem oddly detached in tone.

To be sure, they share a fair amount of gossip about who is taking what position on the students and on the war. McCarthy is at her old wicked best, for instance, in describing an encounter with the English poet Stephen Spender on a Paris street during the 1968 student revolt. Spender, she reports, has a house in Provence on which he has spent considerable money and care, and has been thinking about how to respond should the students confront him and demand to know where he stands; he has come to the conclusion that he will simply have to give them the house.

Both women, without having to spell it out, leave no doubt where they themselves stand. Along with their fellow intellectuals they show themselves ever more contemptuous, and ultimately afraid, of Lyndon Johnson and after him of Richard Nixon. And, in a taken-for-granted way, they are opposed to the war in Vietnam. Arendt basically thinks it a mistake stemming from American provincialism and ignorance—an increasingly devastating mistake, but a mistake nevertheless. McCarthy's analysis evanesces into thin air.

But there is strangely little force in their exchanges on this subject. On McCarthy's part, some of this may have to do with the fact that she was the wife of an American diplomat and felt somewhat inhibited for his sake. On the other hand, she did go to Vietnam, and on her return she did permit herself to publish, as part of a series of pieces for the *New York Review of Books*, a flirtatious paean to the North Vietnamese Communist regime that might have made even the most piously anti-American member of the antiwar Left squirm. Making no mention of this hymn to the murderous dictators of Hanoi, Arendt writes McCarthy a fulsome letter about one of the installments in the series: "This still and beautiful pastoral of yours . . . one of the very finest, most marvelous things you have ever done."

The war, then, was something to lecture about, or an occasion for signing petitions, but clearly nothing to argue over with one's nearest and dearest. In their most natural and communicative letters, the war and its attendant turmoil float above what seems most real to them: for example, the career of their mutual acquaintance, the French novelist Nathalie Sarraute, or the well-being of their beloved friend and publisher William Jovanovich, or the worsening madness of another mutual friend, the poet Robert Lowell.

IT IS certainly true that gossip is more engaging to write, and to read about, than politics. But in this instance there had to be other elements at work. In McCarthy's case, serious politics was not her subject; it slowed her mind and damped her gifts. Hannah Arendt's case is more complicated, and one must look elsewhere to account for the lack, in these letters, of genuine passion.

Among the hallmarks of the response of American and European intellectuals to the upheavals of the 60's—leaving aside the generally embarrassing content of that response—were an ever-diminishing role accorded to real, earned experience and an ever-increasing role played by mere conviction. For some intellectuals, the adoption of hard convictions was a tonic; it freed and energized them. But in Arendt, a thinker whose highest gift was her capacity to put her finger on that which is actually, materially experienced, it seems to have brought out the heaviest-handed and least genuinely intelligent of the habits of mind connected with her sense of German philosophical superiority.

In any case, when the chips were down, these two women, each universally accorded high honors for her qualities of mind, confronted the chaos and mindlessness and, above all, the anti-intellectualism of that period we call the 60's, and each in her own way surrendered. Perhaps of the author of *The Group*, the steadfastness required to get through the 60's as a serious person was too much to ask. But the author of *The Origins of Totalitarianism* and *The Human Condition* was someone who might have been expected to join the resi-

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stance. That she did not says something one would perhaps rather not know about her. But one cannot help wondering whether it may have had something to do with the company she kept, and the friends she so lovingly looked after.

Sex, Lies, and . . .

STRANGE JUSTICE: THE SELLING OF CLARENCE THOMAS. BY JANE MAYER AND JILL ABRAMSON. *Houghton Mifflin. 406 pp. $24.95.*

Reviewed by TOD LINDBERG

THE media blitz that accompanied the publication of *Strange Justice: The Selling of Clarence Thomas,* by *Wall Street Journal* reporters Jane Mayer and Jill Abramson, ought to be studied and analyzed by publicists much as the campaigns of Hannibal, Nelson, and Rommel are studied by military tacticians. Now here was a brilliant public-relations barrage: a massive excerpt in the *Wall Street Journal*; an hour-long edition of ABC's *Turning Point* devoted to the book, with Ted Koppel's *Nightline* and *Larry King Live* in tow; a volley of morning shows; articles landing everywhere from *Newsweek* to *Mirabella*; and even a National Book Award nomination announced—in a feat without precedent in the annals of history—before the tightly-held volume was in the hands of anyone but the publishers and the competition's judges.

This tally is hardly exhaustive, merely illustrative. *Strange Justice* clearly struck a chord that set virtually the entire American media culture humming in sympathetic vibration.

There are two reasons why. First, following the epic clash in late 1991 between Clarence Thomas and Anita Hill over her allegations of sexual harassment, Thomas may have been elevated to the high post of Supreme Court Justice, but Hill was elevated to an even higher station: that of a consummate heroine of modern-day feminism—a self-declared victim of sexual predation of the most insidious kind, and therefore a blue-suited icon of everywoman. It is hardly surprising that burnishing Hill's reputation has become a media subspecialty all its own.

The second reason for the standing ovation for *Strange Justice* is David Brock's *The Real Anita Hill* (1993), which pointed to falsehoods and numerous inconsistencies in the tale told by Hill and her panel of "corroborating witnesses," and concluded that Hill's charges were unsubstantiated at best. While Brock was attacked—even vilified—by many critics as someone promoting a right-wing political agenda (and not least by Mayer and Abramson themselves, in a savage review in the *New Yorker*), *The Real Anita Hill* became a best-seller, earning warm praise along the way from a number of reviewers in mainline publications who were clearly not combatants in Thomas's camp. *Strange Justice* is the heaviest weapon rolled out to date in the effort to neutralize a book that has been a calamity for the hagiographers of Hill.

Mayer and Abramson owe Brock a minor, but not insignificant, debt wholly apart from the occasion he provided them to write a book of their own. Ever since the Senate hearings, Anita Hill had maintained a near-complete silence on the subject of her allegations, but after Brock's book appeared she agreed to grant the authors of *Strange Justice* an exclusive interview to answer its charges. *Strange Justice* thus begins breathlessly in a hotel room with curtains drawn, Hill at last offering reflections on her terrible ordeal.

But the breathlessness with which the authors present this scoop amounts to little more than an exercise in bait-and-switch. For Hill has little to say. Instead, she is flanked by two lawyers; she has insisted that they screen the topics of the discussion in advance; and she has exacted a promise from the authors that prior to publication they will clear all quotations attributed to her.

Mayer and Abramson write: "Without a doubt, these were rules of engagement set by a woman who

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felt bitter, embattled, distrustful, and deeply weary of the fight." Without a doubt? Would these not also be the natural "rules of engagement" of someone with a great deal to hide? Mayer and Abramson do not think so. In fact, if Hill has ever said anything regarding Clarence Thomas or any other subject about which Mayer and Abramson harbor a faint suspicion or a lingering doubt, it goes unmentioned in *Strange Justice.*

What does get mentioned is every dirty story anybody has to tell about or against Clarence Thomas—some old, some new, some borrowed, all blue. Mayer and Abramson rehearse, for example, the well-worn saga of Angela Wright, the "other woman" who accused Thomas of making comments about her anatomy and—worse!—asking her for dates. But Wright, as everyone knows by now, would have been a witness whose credibility could be easily knocked down. At the Equal Employment Opportunity Commission (EEOC), Thomas had fired Wright. She had left another job one step ahead of the ax, leaving behind a note denouncing her boss for racism. And she had previously been fired by a Democratic Congressman. Yet, in the alternate universe that Mayer and Abramson construct, if only Wright had been heard, Thomas would have been sunk. Why, even Senators who opposed Thomas can be found to say so!

Strange Justice is full of such stuff. Thus, reporting on Thomas's purported taste for pornography, Mayer and Abramson have found a couple of people, including a video-store proprietor, who claim to have seen Thomas renting dirty pictures as recently as 1989. But the *Washington Post* unleashed its famous investigative reporters on this seedy story at the time of the hearings. The material they came up with was deemed unnewsworthy by *Post* editors, according to Mayer's and Abramson's own account, and it never saw print. Nina Totenberg of National Public Radio—hardly a partisan of Thomas—also chased the movie-rental story. The store in question, she later noted in a speech, did not maintain records of who rented what; lacking further *verifiable* evidence, she let that aspect of her inquiry die.

Strange Justice presents no damning new facts or records. The only thing new, it seems, is its standard for what constitutes proof. According to the rules of journalism that Abramson and Mayer employ, when facts fail to paint the desired picture, gossip more than suffices for filling in the blanks.

Exaggeration is another technique to which Mayer and Abramson fruitfully resort, but this can be a risky device for journalists to employ, especially if they get caught in the act. For example, Mayer and Abramson report that Thomas's apartment was "papered with centerfolds of large-breasted nude women" and a "compulsively organized stack of *Playboy* magazines." This information, they say, comes from Kaye Savage, a Thomas aide who worked at the EEOC contemporaneously with Hill. Yet, unhappily for the credibility of *Strange Justice*, Savage also granted an interview to *Turning Point* for its hour-long special. In it she described an apartment with a galley kitchen which displayed a single *Playboy* centerfold on the far wall—shocking!, but a far cry from the sinner's den plastered with smut that appears in Mayer's and Abramson's account.

IN SHORT, though they pose as impartial and disinterested journalists (and have been taken as such by critics who dismiss Brock as a biased ideologue), Mayer and Abramson repeatedly show far more interest in hurling dirt on Thomas than in considering the possibility that Hill suffers from occasional difficulties in telling the truth. The most glaring instance of this failure pertains to two additional Hill corroborators whom Mayer and Abramson have discovered.

Hill originally claimed, in interviews with Senate staffers and the FBI, that the one and only person whom she had told about Thomas's harassment was Susan Hoerchner, an administrative law judge from California who became her principal corroborator at the Senate hearings. At these very hearings, however, three other witnesses came forward to testify that Hill had told them about her woes with Thomas. Now, in *Strange Justice*, we meet a fifth and a sixth corroborator. The fifth is one Bradley Mims, who claims to have discussed Thomas's behavior at great length with Hill. Yet Hill, as Mayer and Abramson concede, was unable to recall Mims's first name when reminded of him. They eagerly accept her explanation for forgetting about Mims, as well as her initial failure to give the names of the three corroborators besides Hoerchner who testified: the painful memories were "repressed."

In the case of the sixth corroborator, we have a "repressed" memory that is truly strange. Although Mayer and Abramson evidently do not realize it, they have stumbled upon a significant revelation. They have obtained the notes taken by a Senate staffer, James Brudney, during his initial conversation with Hill on September 10, 1991—weeks before Hill agreed to be interviewed by the FBI, and still longer before her charges became public. These notes reveal that Hill told Brudney about yet another person to whom she had explained the allegedly real reason she left the EEOC. That person was Linda Lambert, a former colleague there.

According to Brudney's notes, Hill said that Lambert did not believe her story about Thomas—Lambert thought him incapable of such behavior. But what Lambert thought of the story does not matter; the point is that, according to Hill, Lambert could indeed corroborate that Hill complained about Thomas.

Thus, the chronology of events now reveals that after telling Brudney about *two* sources of corroboration, Hill went on to tell both another Senate staffer and the FBI that Hoerchner was the only one. Why, apparently with the knowledge of Brudney, did she change her story? This is *terra incognita* to Mayer and Abramson, and, as usual, they do not boldly venture forth to explore it.

Lambert has yet to be heard from about the purported encounter. But we did hear from her at the confirmation hearings. There, she testified under oath as a character witness *for* Thomas. Not one

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of the Democratic Senators asked her what would clearly have been a nuclear-tipped question, and one that lay armed and targeted in the notes of their staffer, James Brudney, who was himself dedicated to derailing Thomas's confirmation: "Did Miss Hill in fact tell you about her problems with Clarence Thomas shortly after she left the EEOC?" If the conversation between Hill and Lambert had actually taken place as described, the damage to Thomas from hearing Lambert answer in the affirmative would have been immense and irreparable.

Anita Hill's own "repressed"-memory defense for her failure to name more of the persons to whom she told her tale is now impossible to accept. The alleged Hill-Lambert conversation was not repressed, it was *suppressed*, by Hill and Brudney, for reasons we can only surmise.

This is only one of many instances in which Mayer and Abramson—out of ideological animus, incompetence, or both—fail to follow the facts and thereby avoid asking questions or drawing conclusions that would undermine their case against Thomas. Instead, their inquiry repeatedly comes to an abrupt halt whenever Anita Hill's credibility teeters precariously on the edge.

"Strange justice" indeed: a book purporting to exonerate Anita Hill and condemn Clarence Thomas ends up, despite the fanfare of Hill partisans, to be the second major work that—inadvertently in this case—lends credence to his account by calling hers into question.

Deconstructing the Jews

THE SACRED CHAIN: THE HISTORY OF THE JEWS. By NORMAN F. CANTOR. *HarperCollins. 472 pp. $35.00.*

Reviewed by HILLEL HALKIN

IF THERE is a case for scholars sticking to their specialties, this book makes it well. Norman Cantor is a well-known medievalist who has written, I am told, some excellent studies in his field. Now he has branched out to write a general history of the Jews, and the results are a volume marked by error, arrogance, and a degree of disdain for his subject that makes his choosing of it seem a puzzle.

Or perhaps not—for *The Sacred Chain* is written under the cocky assumption that the author's very distance from what he writes about renders him its first reliable commentator. Cantor makes no bones about the fact that he is out to debunk (or, as he more fashionably puts it, to "deconstruct") his predecessors, and to present what he seems to think are a number of original theses. As it happens, however, nearly all of these have been advanced long before him—and by writers, from Apion in the 1st century to Arnold Toynbee in the 20th, not known for their friendliness toward the Jews.

These theses may be summarized as follows:

1. The writing of Jewish history—whether in Europe, where it functioned as an apologetic weapon against anti-Semitism; in Israel, where it has been coopted by Zionism; or in the United States, where it has been endowed by "billionaire patriarchs" who fund Jewish-studies departments in universities—has until now been a sentimentally triumphalist "regurgitation of the serviceable mythology of the past" that rejects "realistic truth-telling."

2. The entire biblical account of the origin of the Jews is a "brilliant, elaborate romantic fantasy developed by the scribes and rabbis between 600 and 300" B.C.E., an invented "structure of hypostasized narrative culture that sufficed for nearly all Jewish historical speculation and time-sequential theorizing until the present day."

3. The history of the Jewish people in the post-biblical era is a story of missed opportunities—that is, of the repeated failure of rabbinic Judaism to respond positively, as did Christianity, to the challenge of becoming a universal faith with a relevant message for its times. Instead, Judaism remained a mere struggle for communal survival, characterized by "intellectual stagnation and increased hierarchic stratification" and failing to "break out of the cultural mode of talmudic times."

4. Far from being the victims of undeserved persecution, the Jews have always been at least partly responsible for the hatred and violence directed against them. This is because in different periods of their history, from ancient times down to the Holocaust, they have aroused the wrath of Gentiles with their "central doctrine of racism," their "corrupting" of Christians to "betray Christ," their "parasitical, petty-bourgeois life-style," their "stinking, impoverished domiciles," their "propensity to exploit the peasantry," their "nefarious big Jewish businessmen," their many "slippery entrepreneurs and conspiratorial Communists," and other provocations. When it comes to anti-Semitism, Cantor asserts, "there is plenty of blame to go around."

5. Jewish history is now coming to an end and the Jews are fated to vanish through assimilation and intermarriage, not only in the Diaspora but in Israel too, where "a new Judeo-Arab Near Eastern elite will emerge in the next century." This, though, is nothing to get upset about, for "the Jews have fulfilled their role in history" and "pragmatically, they are no longer very much needed as a distinct race." (Like the Nazis, Cantor seems to think the Jews are biologically unique, although, unlike the Nazis, he ascribes to them a "genetic intellectual superiority.")

6. If the Jews nevertheless are to survive, they can only do so by adopting the Cantor plan, which is outlined in the book's final chapter. Here, in Cantor's own words, are some of the measures it calls for:

> Jewish scholars would have to reinterpret Judaism in light of modernist and postmodernist thought. . . . They would be given an absolute time limit of three years to produce a new Jewish theology.
>
> ******
>
> A new Jewish liturgy would have to be devised, jettisoning 80 per-

HILLEL HALKIN *is a critic and translator who now reports from Israel for the* Forward.

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cent of the current boring, medieval-derived synagogue liturgy. . . . An elite group of Jewish composers, poets, novelists, and theater, film, and TV people would do this work and the synagogue councils would have to promise beforehand that they will implement their new liturgy, which should be completed on an absolute deadline of two years.

******

No Jewish synagogue service will last more than 90 minutes, with another 30 minutes allowed for sermons. Henceforth at least half of the sermons in Jewish synagogues within a calendar year must be delivered by lay people drawn from academia, the other learned professions, government service, and the media. One-quarter of all sermons . . . should be given by women and one-quarter by people less than fifty years of age.

"These provisions," concludes Cantor modestly yet pessimistically, "would probably save the Jewish people as a collective entity. So will the coming of the messiah. The latter is a more likely prospect."

A MORE likely prospect, one might add, only if the messiah himself does not have to be chosen by a search committee chaired by Norman Cantor. But the combination of conference calls, affirmative action, and bureaucratic guidelines by which, Cantor believes, the Jews can be snatched from the jaws of extinction, as loony as it is, does form an appropriate end to *The Sacred Chain*, because it self-parodistically underlines the attitude with which the entire book is written.

This attitude derives from a central paradox in much of contemporary liberal thought—which, while harshly critical of the many pernicious "-isms" and "-centrisms" that supposedly bedevil Western society, is itself so smugly fixated on its own self-righteous standards that it has little capacity to empathize with the very diversity of human culture in whose name it purports to speak. It stands to reason that, as a historian, Cantor should want to understand how Jews in the past experienced and viewed their world. Yet what really seems to interest him is how well they anticipated *our* world.

This is especially true in his judgments of Jewish thinkers. Thus, we read that the philosopher Philo of Alexandria (c. 20 B.C.E.-50 C.E.) was "the prototype of the liberal or Reform Jewish intellectual"; the rabbinic luminary Saadia Gaon (882-942) was "a cultural chauvinist"; Yehuda Halevi, the great 11th-century poet, advocated "nationalist racism"; the religious philosopher Maimonides (1135-1204) failed "to make the Jewish heritage compatible with science"; it is "easy to see the similarity between Rabbi Nahman of Bratslav [1772-1811] and West Coast New Age or Southern evangelical preachers"; and so on and so forth. It is hardly surprising, then, that in Cantor's eyes the true test of contemporary Judaism is whether it can be "reunified" with "modernist and postmodernist thought." That a truer test might be whether it can resist a good deal of modernity, just as it resisted environments inimical to Jewish values in the past, seems never to have occurred to him.

The Sacred Chain is also full of factual errors, including seemingly knowledgeable references to books and writers that Cantor has clearly never read or understood, and it frequently cites the views of "authorities" who are in fact nothing of the kind. For example, Cantor bases his case for the nonauthenticity of biblical narrative on the work of Kathleen Kenyon, a British archeologist who stopped digging in Palestine/Israel in 1967, and whose findings are by now badly dated; passes on with solemn credulity the literary critic Harold Bloom's puckish theory that large parts of the Bible are fiction written by a woman; accepts without challenge the eccentric claim of Lawrence Shiffman that the Dead Sea Scrolls were produced by Sadducees; thinks that "the most insightful book on the [anti-Roman] Jewish rebellions" is Yehoshafat Harkabi's *The Bar Kokhba*

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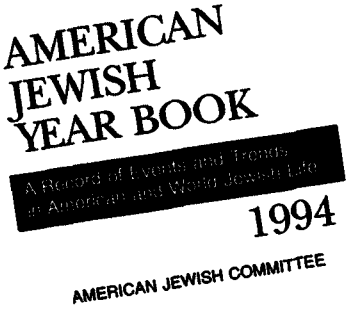

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Syndrome, a political polemic written by a man who was not a historian of the period at all; etc.

From someone of Norman Cantor's stature one has a right to expect more. And were he writing about Carolingian kings, or Provençal troubadors, one would presumably get it. It has often struck me that there is a type of Jewish intellectual who, no matter how little he may know about the Jews, believes that the very fact of his being Jewish makes him an expert on them. Cantor knows a lot about the Jews, but not nearly enough to write their history, and it is perhaps one of the most Jewish things about him that he has not let this deter him in the least.

Pagan Envy

VAMPS & TRAMPS: NEW ESSAYS. BY CAMILLE PAGLIA. *Vintage Books. 572 pp. $15.00 (paper).*

Reviewed by ELIZABETH KRISTOL

CAMILLE PAGLIA, the self-appointed *enfant terrible* of the academy, feminism, and the art world, is the author of *Sexual Personae*, a 700-page scholarly work which in 1990 became a surprise best-seller. She is probably best known, though, for her punchy and controversial op-ed articles, one of which praised the rock star Madonna for her outrageous sexuality and another of which attacked the anti-date-rape movement for misleading young women about the true nature of sexual liaisons. These op-eds were reprinted, along with other articles, in her *Sex, Art, and American Culture* (1992).

Paglia is also a woman with, to put it mildly, an outsized sense of herself as a public figure. One sign of this is that she is pleased with every review she has ever received—a condition most writers can only dream of. Her trick is simple. If someone agrees with her, she praises his intelligence and integrity. If someone criticizes her, she takes that as confirmation that she is a brilliant iconoclast, misunderstood in her own time. We know all this because at the back of her books Paglia publishes a "media chronicle" excerpting every reference to her that has appeared since her last work, complete with her own annotations like: "One of the best analyses yet of Paglia's thought."

PAGLIA describes her new collection, *Vamps & Tramps*, as a "multimedia book, in the 60's style of Marshall McLuhan," which is a fancy way of saying that nothing was left on the cutting-room floor. The book includes everything from essays that appeared in major publications to entries in places like *American Musicological Association Notes* to stray thoughts and witticisms to transcripts of short films starring Camille Paglia playing Camille Paglia discussing the work of Camille Paglia.

By far the most important piece in *Vamps & Tramps* is a previously unpublished essay entitled "No Law in the Arena: A Pagan Theory of Sexuality." Here, Paglia tries to clarify her controversial positions on a number of issues by placing them in the larger context of her libertarianism. She professes herself amused by accusations, leveled by some on the Left, that, just because she has criticized the orthodox feminist line on date rape, sexual harassment, speech codes, and pornography, this makes her a conservative. Rather, she insists, she is attacking these things from the *Left*.

True feminism, Paglia argues in "No Law in the Arena," demands that women conduct their lives—professional, social, and sexual—on the same playing field as men. No midnight drinks at a date's apartment or dorm room unless you are prepared for a sexual advance (or willing to fend one off). No speech codes to protect you from brutish remarks. No censorship of even the most violent and degrading pornography; if you don't like it, don't buy it—or, better yet, go publish some raunchy stuff of your own. In short, Paglia is a foe of all attempts to regulate private behavior, and of any and all forms of censorship.

Sexual Personae argued that there are passionate destructive forces underlying even the most bourgeois works of art. "No Law in the Arena" continues this theme to show how society itself is a tenuous balance between "Dionysian" nature and "Apollonian" artifice. This is especially evident, says Paglia, in the area of homosexuality, a subject in which her own interest is far from academic.

Militantly bisexual (she recommends bisexuality as "our best hope of escape from the animosities and false polarities of the current sex wars"), Paglia is nevertheless contemptuous of the lesbian scene, which she finds pathetically lacking in eroticism. By contrast, she is positively effusive on the subject of male homosexuality, particularly the gay subculture. Promiscuity, sadomasochism, role-playing, anonymous sex: here, in Paglia's view, the dream of the 60's has been realized; here, Freud's "polymorphous perversity" has finally flourished openly.

It is because she celebrates these qualities that Paglia rejects the claim, advanced by many gay-rights advocates, that homosexuality is as natural as heterosexuality. This is a dishonest argument, she says, aimed at winning rights for homosexuals on the grounds that what is natural must be valid, and what is valid should be lawful. To the contrary, she insists, homosexuality is thoroughly *un*natural, and that is what makes it so attractive. And as for AIDS, in her view that disease has only made the battle between brute nature and human desire all the more poignant:

> Of short, intense Romantic lives, represented in our time by gay men and rock stars, it can be said (revising a famous motto of the American Revolution), "Live free and die!"

Prostitutes are another class of rebels to be admired:

> Not only are [prostitutes] not victims, they are among the strongest and most formidable women on the planet. They exist in the harshest reality, but they laugh and bring beauty out of it. For me, they are heroines of outlaw individualism.

Finally, Paglia's celebration of

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outlawry extends to abortion as well. She chides the pro-choice movement for the same sort of intellectual squishiness that characterizes the gay-rights movement. *Of course* abortion is killing, says Paglia. One should have the courage to acknowledge this, and to insist that killing is sometimes necessary: "We have not only the right but the obligation to defy nature's tyranny."

READERS who were put off by the sheer pretentiousness of Paglia's earlier writings will find their sense of her confirmed—and then some—by this latest collection. Where *Sexual Personae* favored vowel-deprived words like "chthonian," *Vamps & Tramps* resorts to a different tactic: incessant references to paganism. It is no exaggeration to say that Paglia uses the word "pagan" like so much Hamburger Helper, tossing it into every outrageous opinion and trivial utterance in an effort to concoct a more substantial dish.

Promiscuity? "A pagan choice." Sex between strangers? "An act of pagan homage to some archetypal reality." Prostitutes? "Pagan goddesses." Drag queens? "Sexual warriors who offer a pagan challenge to bourgeois gentility." And Paglia would have us believe that her own being, too, is infused with a rare pagan sensibility. She recalls—I am not making this up—that as a young child looking at an advertisement for *Tide* soap, she "saw that there was a connection between ancient pagan culture and the popular culture all around me."

Nowadays Paglia calls herself an aggressive and outspoken "Aries warrior" (a phrase she invokes nearly as often as "pagan"), a Nietzschean figure ahead of her time, above the muck, beholden to no one. Thus her proclamations: "I seek no followers. I am an irascible Aries warrior rather than a politician or diplomat. My kind takes the beachhead and pushes the Nazis back. . . ." Thus her efforts to distance herself from "white middle-class style," "white middle-class feminists," "neurotic middle-class white girls," and "simpering white girls with their princess fantasies." Thus, too, the press

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release for *Vamps & Tramps*, which promises "New Headaches For the Establishment" and includes two free tablets of Advil.

BUT how anti-establishment *is* Camille Paglia? The challenge in reading so melodramatic a writer is figuring out which ideas are genuinely new (and not just unexpected departures from an otherwise predictable ideological platform), which are genuinely original (and not simply designed to shock), and which are sufficiently valuable as to make all the other stuff worth wading through.

To begin with Paglia's claims to being anti-establishment, these seem especially groundless in light of "Sontag, Bloody Sontag," one of three full-length essays written specifically for *Vamps & Tramps*. This essay's *Fatal Attraction*-like plotline is worth summarizing for the light it sheds on Paglia both as a person and as a thinker.

In 1973, Paglia, then a young professor at Bennington College, arranged to bring her literary idol, the critic Susan Sontag, for a lecture. The lecture was a flop; but worse, Sontag seemed wholly uninterested in meeting Paglia. "I wanted to say, 'I'm your successor, dammit, and you don't have the wit to realize it!' " recalls Paglia, who has never forgiven Sontag the slight.

Matters only became worse when Sontag's popularity thrived during the two decades Paglia was most eager to establish herself. By 1990, Paglia had become convinced that Sontag's lack of interest in her represented a conscious, deliberate rejection: "She could scarcely retain her claim to intellectual preeminence while not having heard of a controversial woman thinker of my international standing."

Paglia decided to retaliate by fomenting a literary feud in the popular press. In 1992, she told *Vanity Fair*: "I've been chasing that bitch for twenty-five years, and I've finally passed her!" (a comment she now describes as a "Homeric boast"). When Sontag refused to pick up the gauntlet, and at one point blurted out, "I don't know who [Paglia] is," Paglia responded by escalating her public barrage in the gossip column of the *New York Post*. "Few things in my career," she now boasts, "have given me more pleasure than the lightning speed with which I was able to counterattack on this occasion. It was the revenge of pop, which Sontag had abandoned."

But why should Camille Paglia care so much what a New York egghead thinks of her? The only thing "Sontag, Bloody Sontag" reveals is a near-psychotic obsession with winning acceptance from the very establishment figures and institutions Paglia publicly derides.

AS FOR whether Paglia's ideas are ahead of their time, the fact is that neopaganism has been old-hat in feminist and academic circles for some twenty years now. True, Paglia is unique in stressing the darker, more sexist—and therefore politically incorrect—side of paganism, and she is certainly original in steadfastly urging its sexiness.

But when it comes to the *substance* of Paglia's ideas, we are on different and trickier terrain. Her most original-sounding notions are those which at first glance sound paradoxically conservative. Indeed, as her critics on the Left have complained, her attacks on contemporary feminism, or on the erosion of standards in the academy, often read like—well, like high-temperature versions of arguments found in this magazine.

At various places in *Vamps & Tramps*, for example, Paglia maintains *à la* George Gilder that there are profound biological differences underlying men and women's attitudes toward sex, and that the purpose of society is to keep the male sex drive in check. She condemns universities for politicizing scholarship and dumbing-down education, and calls for a return to a rigorous curriculum based on the greatest works of art and literature. "We will never get great art from women," writes Paglia, "if their education exposes them only to the second-rate and if the idea of greatness itself is denied. Greatness is not a white male trick."

Remarks like this, infuriating to orthodox leftists, have made Paglia intriguing to neoconservatives. But Paglia should be taken at her word that there is nothing conservative about her. The driving force behind her disgust with aspects of the culture that also trouble conservatives is her distinctive blend of 60's-style counterculturalism with libertarianism. But Paglia is a libertarian because she is a libertine and an aesthete; her hero is not Milton Friedman, but the Marquis de Sade.

Thus, for Paglia, censorship is undesirable not because in a free market good ideas will ultimately triumph over evil ones, but because she would like to see the evil ones flourish. She wants the state out of people's personal lives not because state interference violates the dignity of the individual, but because individuals should behave in as undignified a manner as possible. She would like to see prostitution legalized not because doing so would curtail the disease and crime associated with its practice, but because prostitution is a good in itself. And she wants the concept of greatness restored to art not because she finds contemporary art offensive, but because she prizes the erotic and demonic qualities in certain works of classical art.

BUT if Paglia's "conservative" positions are actually radical, her "radical" positions, the poses she strikes when she is most trying to shock, are downright conventional. "I feel the function of the modern artist is precisely to shatter *all taboos*," she intones—a half-century or more after taboo-shattering became the favorite consumer pastime of the bourgeoisie. And as for her notion of what constitutes taboo-shattering, that may be gathered from her decision to open *Vamps & Tramps* with the transcript of a short film, *The Penis Unsheathed*, based on a gallery exhibit she and her lesbian lover put on last year in Washington, D.C.

The exhibit, Paglia crows, was "America's first group art show since the 60's devoted to imagery of the penis." But the transcript itself is a very slight offering compared with "No Law in the Arena," the major essay on paganism that immediately follows. One can only conclude that the transcript is placed where it is—as the sole item in a

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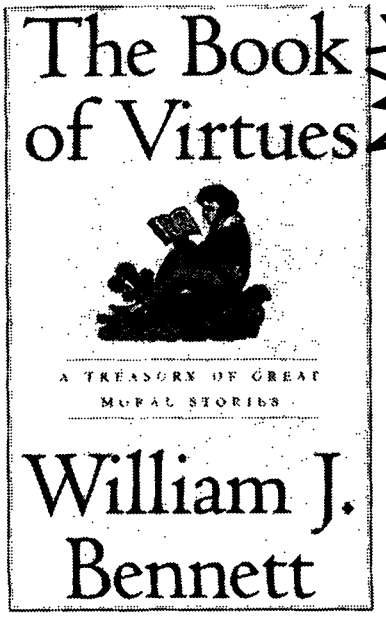

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section titled "The Year of the Penis"—for its supposed shock value.

If using the "p" word is as original as Camille Paglia can get these days, maybe she should consider passing her sword to another Aries warrior.

Dissident

MASTERS OF THE DREAM: THE STRENGTH AND BETRAYAL OF BLACK AMERICA. BY ALAN L. KEYES. *Morrow. 224 pp. $23.00.*

Reviewed by ARCH PUDDINGTON

A FULL QUARTER-century after the heyday of the civil-rights era, blacks remain the most reliably liberal voting bloc in American politics. Even as practically all other groups have moved to the Right, blacks have retained an overwhelming allegiance to the Democratic party. Indeed, Republicans consider it something of a moral triumph that the black vote for the GOP crept into the double-digit range in November's midterm landslide.

As for black political leaders, typified by the Congressional Black Caucus, they have long and steadfastly resisted any rethinking of traditional assumptions about taxing, spending, the role of government, crime, welfare, or military policy. Led by such figures as Ron Dellums and Maxine Waters, black congressional Democrats remain the most Left of the Left, the most paleo of paleo-liberals.

At the same time, however, there is mounting evidence that while blacks in general may vote Left, their thinking about the life around them, the condition of their communities, and the future of their race is beginning to move in an increasingly conservative direction. Whatever their leaders and elite spokesmen in the media may say, many blacks today are less reliant on Washington, less likely to seek solutions in government intervention, less prone to cite racism as an excuse for criminal behavior, more skeptical of the welfare system, and more favorable to local initiatives than at any time since civil rights became a key national issue.

NO LITTLE credit for this shift, embryonic though it still is, must be accorded the small group of black writers and community organizers who have broken with liberal orthodoxy on race matters. While itself ideologically diverse, this group shares a common conviction: that the obsession with white racism which has for so long dominated black thought and civil-rights policy-making serves not as a spur but as an obstacle to racial progress. Today, members of this group find themselves included somewhat more often in discussions of race relations, though all have endured, and continue to endure, sneering disdain from a black liberal establishment whose passion for diversity does not extend to intellectual adversaries or different ideas.

Alan Keyes is a charter member of this cadre of black dissenters. A radio talk-show host and writer, he twice ran (unsuccessfully) as a Republican nominee for a Maryland Senate seat. He also served on the staff of Jeane Kirkpatrick during her term as ambassador to the United Nations. His strong support for the Reagan administration's foreign policy added little to his popularity within liberal circles.

In Keyes's view of black America—which he sets forth in *Masters of the Dream*, a passionately argued survey of the African-American condition—the black community's problems are at heart moral and spiritual rather than economic. Keyes therefore places little faith in liberal or, for that matter, conservative policy solutions such as those that would achieve inner-city "empowerment" or create an "opportunity society." Nor, unlike many conservatives, does he believe that black America would particularly benefit if cities put more police on the beat or if courts consistently handed out longer sentences to criminals.

Keyes does share with conservatives, however, a hostility to the

ARCH PUDDINGTON *is a senior scholar at Freedom House in New York.*

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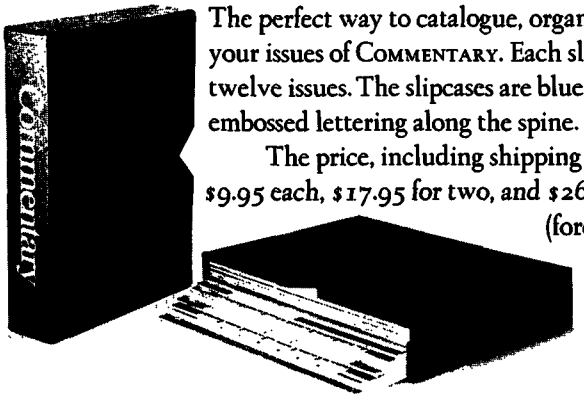

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Commentary

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welfare system. On this subject, indeed, he is something of a radical, going so far as to compare the welfare state to Communist totalitarianism. Like Communism, he writes, welfare is predicated on a "bad concept of the human person," one that "stresses individual helplessness and weakness," undermines personal responsibility, encourages passivity, and strips the individual of the will to improve his condition. Keyes is therefore dismissive of welfare-reform schemes, and would prefer to abolish welfare altogether. He is especially scornful of workfare requirements, which he regards as yet another instrument of state restriction on individual freedom.

When it comes to political strategy, Keyes acknowledges that once it was essential for blacks to look toward Washington—namely, when the goal was the passage of anti-discrimination laws. But now, he maintains, this approach has come to impede the development of local political institutions and community-based economic initiatives. By continuing to rely upon federal assistance, black leaders only contribute to the dependency of the black poor, tying their future to the federal dole. At the same time, the black political elite finds its own destiny linked ever more tightly to the perpetuation of welfare and other government-spending programs through employment in the social services *cum* welfare professions.

It is no exaggeration to say that Keyes disagrees with the black political leadership—and in particular the Democratic members of the Congressional Black Caucus—on practically every issue of the day, from affirmative action to foreign policy to abortion. Instead of representing what, to his mind, is the basic conservatism of the black middle and working classes, the Black Caucus has aligned itself with the white Left, whose cultural radicalism has had an especially harmful impact on black America. Among the worst effects of this has been the creation of an intellectual climate within the black community in which any departure from orthodoxy is interpreted as an act of racial betrayal. This is something which Keyes knows from first-hand experience, having had his own racial authenticity called into question more than once.

HAD a book expressing such iconoclastic views appeared, say, five or more years ago, in all likelihood it would have been ignored or condescendingly dismissed. But in today's drastically altered political environment, there is reason to hope that the opinions of dissenters like Keyes will increasingly frame the debate about the future of black America. It is precisely for this reason that one wishes Keyes had devoted more time to analysis and less to sermonizing.

Although he raises a series of provocative ideas which directly challenge the ideological foundation upon which black politics has rested for decades, Keyes's arguments are too often put forward on a take-it-or-leave-it basis, and are seldom given the thorough elaboration that would be required to convince a skeptical audience. And so, while *Masters of the Dream* may reinforce the views of the already converted, it is unlikely to win new converts among the growing ranks of Americans whose faith in state intervention has been shaken and who are now seeking an alternative approach.

There are, also, serious questions about two of Keyes's central conclusions. One is that the black family emerged unscathed from slavery and Jim Crow, and that its travails today owe far more to the ill effects of the 1960's counterculture and dependency-inducing welfare policies than anything else.

The impact of slavery on the black family has generated a great deal of heated debate among scholars. Keyes aligns himself with those, like the late Herbert Gutman, who held that as an institution the black family survived slavery largely intact, and remained a source of communal strength.

Now, some who advanced this argument in the 1960's were motivated in part by a desire to knock down Daniel P. Moynihan's famous report on the black family, which traced problems in black family structure to the uniquely difficult

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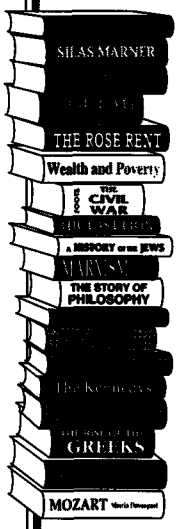

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history of African-Americans. Others were eager to deny the seriousness of black family deterioration altogether. Although Keyes parts company with both of these sets of critics, he does maintain that the decline of the black family was triggered almost exclusively by a combination of welfare-state growth and a secular-liberal culture which, among other things, actually celebrated the demise of the traditional family.

One can certainly agree with Keyes that welfare and countercultural attitudes toward work, family, and sexual responsibility played an important role in creating the crisis that confronts American blacks. But many readers will find unpersuasive his easy dismissal of the historical factors that have contributed to the current black plight.

DOUBTS can also be raised about a second conclusion of the book regarding the role to be played by the church in the moral recovery of the black community. There is no question that religion was central to black life during the period of segregation, particularly in the South. And, of course, the church also supplied the leadership of the black freedom movement through Martin Luther King and the Southern Christian Leadership Conference.

There are, however, a number of reasons for skepticism regarding the church's ability to emerge today as the dominant force in a campaign for moral regeneration, and Keyes unfortunately fails to give serious consideration to any of them. For one thing, the organized black church was never as powerful in the northern inner city as in the South, a fact which King ruefully came to understand when he attempted to shift his peaceful civil-rights focus northward.

Another problem is the politicization of the black church itself. The agenda for the black community that Keyes finds most objectionable is, too often, the one advanced by black ministers. Obviously, this phenomenon has not affected the majority, but precisely because black churches hold a position of great authority among their congregants, it is particularly distressing to find some ministers leading boycotts of Korean-owned inner-city businesses or hurling glib accusations of racism at law-enforcement officials during controversial criminal cases.

Though Alan Keyes has obvious gifts as both an intellectual and a political polemicist, in this book he has let the polemical side get the better of him, which leads him to treat issues like the black church as abstractions rather than the complex realities they are. Still, he is largely right about the self-defeating course of the liberal black agenda, and one hopes that he will emerge as an important voice in the increasingly free-wheeling debate over America's racial predicament.

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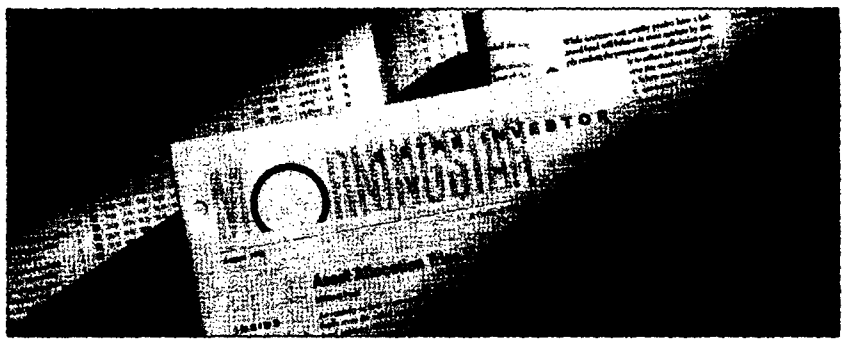

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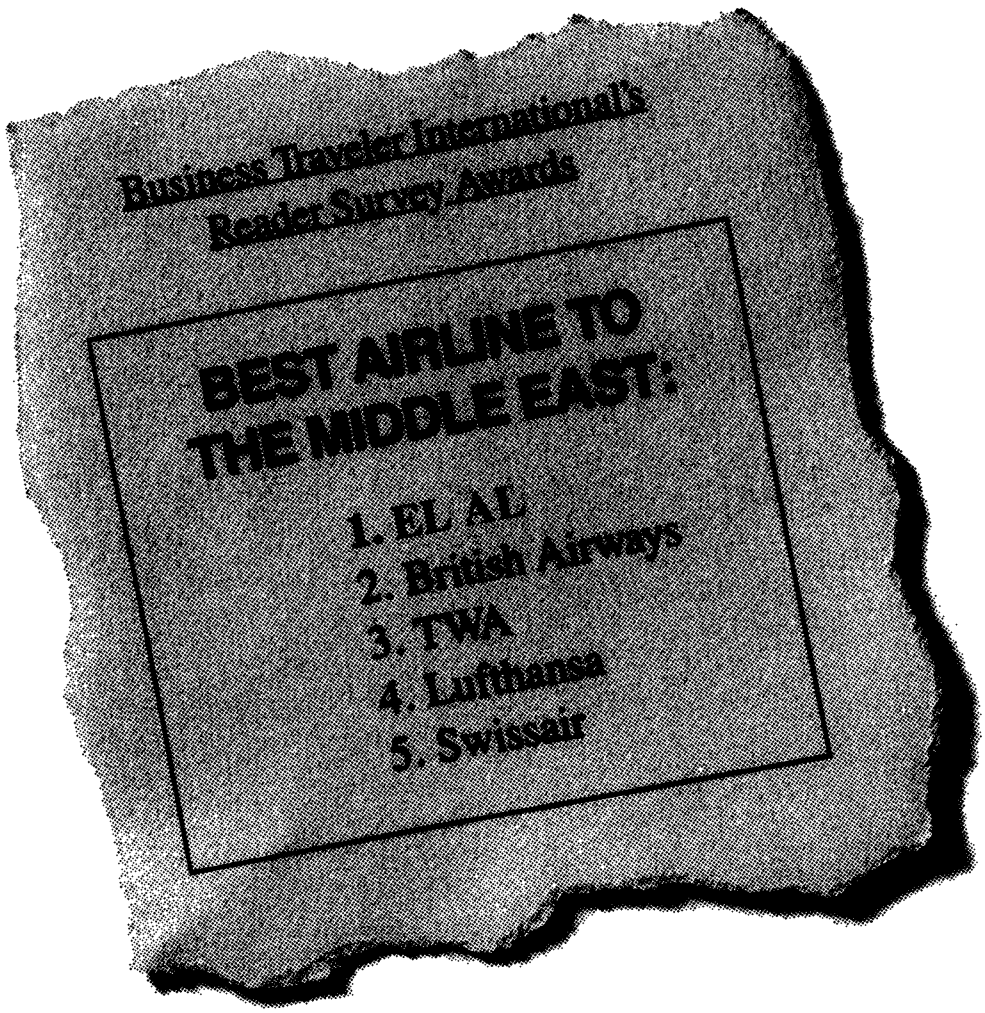

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